Critical History of Sunday Legislation

By A. H. Lewis D.D.

BERKELEY, CALIFORNIA

THE GIFT OF
REVEREND
WITHDRAWN
WILLIAM CHANNING GANNETT
OF ROCHESTER, N. Y.

W. C. GANNETT,
15 SIBLEY PLACE,
ROCHESTER N. Y.

A CRITICAL HISTORY OF SUNDAY LEGISLATION

FROM 321 TO 1888 A. D.

BY

A. H. LEWIS, D. D.

Author of "Sabbath and Sunday: Argument and History"
"Biblical Teachings Concerning the Sabbath and Sunday"
"A Critical History of the Sabbath and the Sunday in the Christian Church"
etc.

Property of
CBSK
Please return to
Graduate Theological
Union Library
WITHDRAWN

NEW YORK
D. APPLETON AND COMPANY
1888

GRADUATE THEOLOGICAL UNION
LIBRARY
1962

BV
.133
L4
1888

Copyright, 1888,
By D. APPLETON AND COMPANY.

NWARCHIVE

F119.61
L585

Dedicated

WITH MANY PLEASANT MEMORIES

To President J. ALLEN, D. D., Ph. D., LL.D.

FROM WHOM CAME THE INSPIRATION
WHICH HAS GUIDED THE AUTHOR
THROUGH MANY YEARS OF HISTORIC RESEARCH

19729

PREFACE.

THIS book enters a field not hitherto occupied in the literature of the Sunday question. Sunday legislation is more than fifteen centuries old, but the general reader has not hitherto been able to know accurately either its extent, or its specific character. The following pages answer many questions which are pressing to the front. Existing Sunday laws are much disregarded, and many contradictory theories are put forth relative to them. Much that is said concerning them is superficial and impertinent, because men do not understand their origin or their history. The surpassing value of the "historic argument" is slowly gaining recognition. History is an organic whole, a series of reciprocal causes and effects. No period can be separated from that which has gone before, nor be kept distinct from that which follows. Herein lies the value of

facts like those which compose this volume. Every effort to remodel existing Sunday legislation, or to forecast its future, must be made in the light of the past. It is not the province of this volume to pursue an argument relative to Sunday legislation, but rather to present those facts on which intelligent conclusions must be based.

The first Sunday legislation was the product of that pagan conception, so fully developed by the Romans, which made religion a department of the state. This was diametrically opposed to the genius of New Testament Christianity. It did not find favor in the Church until Christianity had been deeply corrupted through the influence of Gnosticism and kindred pagan errors. The Emperor Constantine, while still a heathen—if indeed he was ever otherwise—issued the first Sunday edict by virtue of his power as Pontifex Maximus in all matters of religion, especially in the appointment of sacred days. This law was pagan in every particular.

Sunday legislation between the time of Constantine and the fall of the empire was a combination of the Pagan, Christian, and Jewish cults. Many other holidays — mostly pagan festivals baptized with new names and slightly modified—

were associated, in the same laws, with the Sunday.

During the Middle Ages, Sunday legislation took on a more Judaistic type, under the plea of analogy, whereby civil authorities claimed the right to legislate in religious matters, after the manner of the Jewish Theocracy.

The Continental reformation made little change in the civil legislation concerning Sunday. The English reformation introduced a new theory, and developed a distinct type of legislation. Here we meet, for the first time, the doctrine of the transfer of the Fourth Commandment to the first day of the week, and the consequent legislation growing out of that theory. The reader will find the laws of that period to be extended theological treatises, as well as civil enactments. The Sunday laws of the United States are the direct outgrowth of the Puritan legislation, notably, of the Cromwellian period. These have been much modified since the colonial times, and the latest tendency, in the few cases which come to direct trial under these laws, is to set forth laws of a wholly different character, through the decisions of the courts.

In the Sunday legislation of the Roman Empire the religious element was subordinate to the

civil. In the Middle Ages, under Cromwell, and during our colonial period, the Church was practically supreme. Some now claim that Sunday legislation is not based on religious grounds. This claim is contradicted by the facts of all the centuries. Every Sunday law sprung from a religious sentiment. Under the pagan conception, the day was to be "venerated" as a religious duty owed to the God of the Sun. As the resurrection-festival idea was gradually combined with the pagan conception, religious regard for the day was also demanded in honor of Christ's resurrection. In the Middle-Age period, sacredness was claimed for Sunday because the Sabbath had been sacred under the legislation of the Jewish Theocracy. Sunday was held supremely sacred by the Puritans, under the plea that the obligations imposed by the Fourth Commandment were transferred to it. There is no meaning in the statutes prohibiting "worldly labor," and permitting "works of necessity and mercy," except from the religious standpoint. There can be no "worldly business," if it be not in contrast with religious obligation. Every prohibition which appears in Sunday legislation is based upon the idea that it is wrong to do on Sunday the things prohibited. Whatever

theories men may invent for the observance of Sunday on non-religious grounds, and whatever value any of these may have from a scientific standpoint, we do not here discuss; but the fact remains that such considerations have never been made the basis of legislation. To say that the present Sunday laws do not deal with the day as a religious institution, is to deny every fact in the history of such legislation. The claim is a shallow subterfuge.

Let the reader note that specific legislation against the liquor-traffic and its evils upon Sunday does not come under this head. Such legislation is no more pertinent to Sunday than to any other day, except that as a day of leisure Sunday offers greater opportunity for rioting and criminality. This is reason enough for the most stringent legislation against the liquor-traffic on that day.

The writer is not unaware that the just and unavoidable conclusions to which the following facts compel, will overthrow many pleasant theories, and destroy some cherished hopes connected with Sunday legislation. Some minds will deem it sacrilegious to oppose these facts of history to revered notions, so long untouched. Such considerations are of little weight, when

one remembers "that no question is settled until it is rightly settled." Facts are stubborn because they are eternal; and the theory which attempts to ignore them insures its early destruction.

A. H. L.

PLAINFIELD, N. J., *January, 1888.*

CONTENTS.

CHAPTER		PAGE
I.	The Origin and Philosophy of Sunday Legislation	1
II.	Sunday Legislation under the Roman Empire	18
III.	Sunday Legislation after the Fall of the Roman Empire	50
IV.	Saxon Laws concerning Sunday	70
V.	Sunday Laws in England	81
VI.	Sunday Laws in England during the Puritan Supremacy	115
VII.	Early Sunday Laws of Scotland; Law of Holland; Early Sunday in Ireland and Wales	143
VIII.	Sunday Legislation in America — Colonial Period	160
IX.	Sunday Legislation in America — Colonial Period—(*Continued*)	184
X.	Sunday Laws of the States and Territories of the United States	209

SUNDAY LEGISLATION.

CHAPTER I.

THE ORIGIN AND PHILOSOPHY OF SUNDAY LEGISLATION.

THE Sunday question is coming to the front. Some men demand a better enforcement of the Sunday laws. The masses almost universally disregard them. The hour demands careful investigation concerning them.

The original character of laws and institutions is not easily lost. History is a process of evolution, whereby original germs, good or bad, are developed. In the process of development modifications take place, and methods of application change, but the properties of the original germ continue to appear. Neither legislation nor the influence of the Church have been able to prevent the development of holidayism and its associate evils in connection with Sunday.

One of two causes must account for this. Either the people in the churches and out of them increase in wickedness, and therefore disregard

rightful authority, or else there is something radically defective in the claims by which Sunday observance is supported. The explanation lies in this last fact. It is wise, therefore, to seek the origin and the philosophy of Sunday legislation as they appear in history. Outside of Christianity, all religions have been ethnical. The Gospel is a message to the whole world. Christianity is the universal religion. It knows neither ethnic, social, nor intellectual distinctions. Rich and poor, bond and free, learned and unlearned, old and young, meet on a common level in the kingdom of Christ. This truth lies at the core of Christianity, and is its essential characteristic. Christ said: "My kingdom is not of this world." He taught that while his followers must be in the world, mingling with men and doing the duties of citizens, they were yet under supreme obligation to his spiritual kingdom. Neither he nor his disciples sought aid from civil government beyond the mere protection due to citizenship. They submitted to wrong rather than rebel against earthly government, because of their allegiance to the higher law. The great apostle to the Gentiles suffered persecution, bonds, and imprisonment rather than be disloyal to the kingdom of Christ. As a citizen, he demanded protection at the hands of civil government. If this were denied, he accepted whatever punishment, even unto death, the civil law chose to inflict, that he might obey the law of God.

Christianity stood between the Judaic theocracy and the Roman pagan state religion, far above them both. As Christianity moved westward, and gained social and moral power, the Roman state at length granted it legal recognition. The character of that recognition can only be understood in the light of the Roman conception of religion. Romans regarded all religion as a contract between the gods and the state. Religion was a department of the government. The individual was nothing, except as a citizen. "To be a Roman was greater than to be a king." The relation of the individual to the gods was lost in the relation which the *citizen* sustained to them. This contract between the gods and the state bound the citizen to do certain things, and the gods to do certain other things in return. What the citizen should do was decided by civil law. When he should worship, and how; what he should offer, and how much; when he should pray, and what should be his prayer; this was the Roman idea.

Speaking of the religion of pagan Rome and of its consequent effect upon Christianity, Ernest Renan says:

> It was in the full force of the word a civil religion. It was essentially the religion of the state; there was no priesthood distinct from the state functions; the state was the true god of Rome. The father had over the son the right of life and death; but if the son held the least important office, and the father met him on the

road, he dismounted from his horse and bowed down before him.

The consequence of this essentially political character of Roman religion was that it always remained aristocratic. A man became pontiff as he became pretor or consul; when he was a candidate for religious office, he underwent no examination, he passed no period of probation in a seminary, he was not asked if he had an ecclesiastical vocation. He proved that he had served his country well, and had fought bravely in this or that battle. There was no sacerdotal spirit; these civil pontiffs continued to be what they had been, cold, practical men, without the slightest idea that their functions at all cut them off from the rest of the world. In every respect the religion of Rome was the reverse of a theocracy. The civil law regulates actions; it does not occupy itself with ideas; and so one result of Roman religion was that Rome never had the faintest conception of dogma. The exact observance of rites compels the Deity who, if the petition be presented in proper form, has no inquiry to make into piety or the feelings of the heart. More than this, devoutness is a defect; it implies a dangerous exaltation in the popular mind. Calm, order, regularity—this is what is wanted. Anything beyond this is excess (*superstitio*). Cato absolutely forbids that slaves should be allowed to entertain any sentiment of piety; "know," he says, "that the master sacrifices for the whole household." Can anything be more civil, lay, peremptory than this? Men must not fail to do what is due to the gods; but they must not give them more than is their due; that is the *superstitio* which the true Roman abhorred as much as he abhorred impiety.

But we are altogether ignorant of religious history—a fact which, I hope, some other lecture will prove to you at a future time—if we do not lay it down as a fundamental principle that Christianity at its origin is no other than Judaism, with its fertile principles of almsgiving and charity, with its absolute faith in the future of humanity, with that joy of heart of which Judaism has always held the secret, and denuded only of the distinctive observances and features which had been invented to give a character of its own to the peculiar religion of the Children of Israel.

"Influence of Rome on Christianity," etc., "Hibbert Lectures for 1886," pp. 16, 17.

Before the advent of Christianity there was a strong tendency in the Roman Empire toward religious syncretism. It was deemed a matter of courtesy to recognize the religion of other nations, and to grant that religion the protection of the empire, especially when a nation was friendly to the empire, or was subdued by it. A prescribed form of prayer was to be used by the military representatives of Rome, who, having conquered a nation, and made them citizens of the empire, were thereupon to pray the gods of that nation to transfer their allegiance and abiding-place to the Capitol of the empire. The "Pantheon" in Rome still stands, showing how the empire provided a home for *all the gods*. It is on record that when Christianity, which was looked upon as a type of Judaism, had gained sufficient influence, a niche was offered in the Pantheon for

a statue of Christ and a statue of Moses, that they might stand among those representing the religion of Egypt and of the Orient. It was not possible that Rome should recognize any religion, except as wholly subordinate to the state; to be protected and regulated by the civil law. When, therefore, at the beginning of the fourth century, circumstances combined to bring about a recognition of Christianity, it was such a recognition as had been granted to the ethnic religions whose influence had already become interwoven with Roman thought and practices. Christianity did not conquer the empire by subduing it to Christ. It gained recognition as having a right to the protection and the privileges which the state might choose to accord. This recognition demanded, on the other hand, the right of the state to legislate concerning Christianity, and to treat it as one of many other religions, neither greater nor less, except as its influence might be greater or less than others. This general recognition was given early in the reign of Constantine the Great. It is not needful to delineate at length the character of Constantine, nor to prove what none deny, that his attitude toward Christianity was that of a shrewd politician rather than of a devout adherent. The empire was decaying under a combination of adverse influences. It was dying in spite of all the gods had promised. Certain success had attended his father, who had shown some favor to Christianity. Christianity evinced great vigor, espe-

cially in giving to its adherents supreme power of endurance under persecution. Constantine saw what seemed to him a greater power for good to the empire in the protection which this new religion might give, than any which paganism had granted; hence the recognition which came, under the normal operation of the Roman idea. The emperor, as *pontifex maximus*, had full power to legislate concerning all matters of religion.

The influence of the emperor in his double office as emperor and pontifex maximus was immeasurably increased by his deification. He was not only the supreme authority in all religious matters, but he was worshiped as a god. Some of the more noble of the emperors demanded less of these honors, while others demanded much reverence. One of the most infamous is described as follows:

> Caligula, however, who appears to have been literally deranged, is said to have accepted his divinity as a serious fact, to have substituted his own head for that of Jupiter on many of the statues, and to have once started furiously from his seat during a thunderstorm that had interrupted a gladiatorial show, shouting, with frantic gestures, his imprecations against heaven, and declaring that the divided empire was indeed intolerable; that either Jupiter or himself must speedily succumb.
>
> Heliogabalus, if we may give any credence to his biographer, confounded all things human and divine in hideous and blasphemous orgies, and designed to unite all forms of religion in the worship of himself.

A curious consequence of the apotheosis was that the images of the emperors were invested with a sacred character, like those of the gods. They were the recognized refuge of the slave or the oppressed, and the smallest disrespect to them was resented as a heinous crime. Under Tiberius, slaves and criminals were accustomed to hold in their hands an image of the emperor, and being thus protected, to pour with impunity a torrent of defiant insolence upon their masters or judges. Under the same emperor, a man having, when drunk, accidentally touched a nameless domestic utensil with a ring on which the head of the emperor was carved, he was immediately denounced by a spy. A man in this reign was accused of high treason for having sold an image of the emperor with a garden. It was made a capital offense to beat a slave or to undress near a statue of Augustus, or to enter a brothel with a piece of money on which his head was engraved, and at a later period, a woman, it is said, was actually executed for undressing before a statue of Domitian.

Leckey, "History of European Morals," vol. i, pp. 274–276, New York, 1869.

The pagan religion of Rome had many holidays, on which partial or complete cessation of business and labor were demanded. The following extracts will illustrate the attitude of Constantine, and the legislation which preceded his Sunday law:

Constantine, the first Christian Cæsar, the founder of Constantinople and the Byzantine Empire, and one of the most gifted, energetic, and successful of the Roman

emperors, was the first representative of the imposing idea of a Christian theocracy, or of that system of policy which assumes all subjects to be Christians, connects civil and religious rights, and regards church and state as the two arms of one and the same divine government on earth. This idea was more fully developed by his successors. It animated the whole middle age, and is yet working under various forms in these latest times; though it has never been fully realized, whether in the Byzantine, the German, or the Russian Empire, the Roman church-state, the Calvanistic republic of Geneva, or the early Puritanic colonies of New England. At the same time, however, Constantine stands also as the type of an undiscriminating and harmful conjunction of Christianity with politics, of the holy symbol of peace with the horrors of war, of the spiritual interests of the kingdom of heaven with the earthly interests of the state.

But with the political he united also a religious motive, not clear and deep, indeed, yet honest, and strongly infused with the superstitious disposition to judge of a religion by its outward success and to ascribe a magical virtue to signs and ceremonies. His whole family was swayed by religious sentiment, which manifested itself in very different forms—in the devout pilgrimages of Helena, the fanatical Arianism of Constantia and Constantius, and the fanatical paganism of Julian. Constantine adopted Christianity first as a superstition, and put it by the side of his heathen superstition, till finally in his conviction the Christian vanquished the pagan, though without itself developing into a pure and enlightened faith.

At first Constantine, like his father, in the spirit of the Neoplatonic syncretism of dying heathendom, reverenced all the gods as mysterious powers, especially

Apollo, the god of the sun, to whom, in the year 308, he presented munificent gifts. Nay, so late as the year 321 he enjoined regular consultation of the soothsayers in public misfortunes, according to ancient heathen usage; even later he placed his new residence, Byzantium, under the protection of the god of the martyrs and the heathen goddess of Fortune; and down to the end of his life he retained the title and the dignity of a *pontifex maximus*, or high-priest of the heathen hierarchy. His coins bore on the one side the letters of the name of Christ, on the other the figure of the sun-god, and the inscription "*Sol invictus*." Of course these inconsistencies may be referred also to policy and accommodation to the toleration edict of 313. Nor is it difficult to adduce parallels of persons who, in passing from Judaism to Christianity, or from Romanism to Protestantism, have so wavered between their old and their new position that they might be claimed by both. With his every victory over his pagan rivals, Galerius, Maxentius, and Licinius, his personal leaning to Christianity, and his confidence in the magic power of the sign of the cross increased; yet he did not formally renounce heathenism and did not receive baptism until, in 337, he was laid upon the bed of death.

Schaff, "Church History" (revised edition), vol. iii, pp. 12, 14, 15.

Uhlhorn says of Constantine:

At the beginning of A. D. 312, he seemed, to say the least, cool and non-committal. He had issued the edict of Galerius, and the orders concerning its execution, which, as we have seen, were but little favorable to Christianity. He was no doubt even then a monotheist;

but the one god whom he worshiped was rather the sun-god, the "unconquered sun," than the Father of our Lord Jesus Christ. But at the beginning of A. D. 313, he issued the edict of Milan, which was extraordinarily favorable to the Christians, and took the first decisive steps toward raising Christianity to the position of a dominant religion.

"Conflict between Heathenism and Christianity," p. 427.

Joseph Bingham, the well-known writer on church antiquities, speaking of Constantine's Sunday edict, says:

This was the same respect as the old Roman laws had paid to their *feriae*, or festivals, in times of idolatry and superstition. . . . Now, as the old Roman laws exempted the festivals of the heathen from all judicial business, and suspended all processes and pleadings, except in the aforementioned cases, so Constantine ordered that the same respect should be paid to the Lord's day, that it should be a day of perfect vacation from all prosecutions and pleadings and business of the law, except where any case of great necessity or charity required a judicial process and public transaction.

"Antiquities of the Christian Church," book xx, chap. ii, sec. 2.

Bingham states here clearly the fact that such prohibitions were made by the Roman laws in favor of their festivals, but adds, incorrectly, that Constantine made the same in favor of the "Lord's day," for, as we shall see, it was not the Lord's day, but the "venerable day of the sun," which

the edict mentions; and it is impossible to suppose that a law, made by a Christian prince in favor of a Christian institution, should not in any way mention that institution or hint that the law was designed to apply to it. Milman corroborates this idea as follows:

The earlier laws of Constantine, though in their effect favorable to Christianity, claimed some deference, as it were, to the ancient religion, in the ambiguity of their language, and the cautious terms in which they interfered with the liberty of paganism. The rescript commanding the celebration of the Christian Sabbath bears no allusion to its peculiar sanctity as a Christian institution. It is the day of the sun which is to be observed by the general veneration; the courts were to be closed, and the noise and tumult of public business and legal litigation were no longer to violate the repose of the sacred day. But the believer in the new paganism, of which the solar worship was the characteristic, might acquiesce without scruple in the sanctity of the first day of the week. . . .

The rescript, indeed, for the religious observance of the Sunday, which enjoined the suspension of all public business and private labor, except that of agriculture, was enacted, according to the apparent terms of the decree, for the whole Roman Empire. Yet unless we had *direct proof* that the decree set forth the Christian reason for the sanctity of the day, it may be doubted whether the act would not be received by the greater part of the empire as merely *adding one more festival* to the fasti of the empire, as proceeding entirely from the will of the emperor, or even grounded on his authority as supreme

pontiff, by which he had the plenary power of appointing holy days. In fact, as we have before observed, the day of the sun would be willingly hallowed by almost all the pagan world, especially that part which had admitted any tendency toward the Oriental theology.

"History of Christianity," book iii, chaps. i and iv.

Stronger still is the testimony of an English barrister, Edward V. Neale. These are his words:

That the division of days into *juridici et feriati*, judicial and non-judicial, did not arise out of the modes of thought peculiar to the Christian world, must be known to every classical scholar. Before the age of Augustus the number of days upon which, out of reverence to the gods to whom they were consecrated, no trials could take place at Rome, had become a resource upon which a wealthy criminal could speculate as a means of evading justice; and Suetonius enumerates among the praiseworthy acts of that emperor, the cutting off from the number thirty days, in order that crime might not go unpunished nor business be impeded.

"Feasts and Fasts," pp. 5 and 6.

After enumerating certain kinds of business which were allowed under these general laws, Mr. Neale adds:

Such was the state of the laws with respect to judicial proceedings while the empire was still heathen.

Ibid., p. 7.

Concerning the suspension of labor, we learn from the same author that—

The practice of abstaining from various sorts of labor upon days consecrated by religious observances, like that of suspending at such seasons judicial proceedings, was familiar to the Roman world before the introduction of Christian ideas. Virgil enumerates the rural labors which might, on festal days, be carried on without entrenching upon the prohibitions of religion and right, and the enumeration shows that many works were considered as forbidden. Thus it appears that it was permitted to clean out the channels of an old water-course, but not to make a new one; to wash the herd or flock, if such washing was needful for their health, but not otherwise; to guard the crop from injury by setting snares for birds, or fencing in the grain; and to burn unproductive thorns.

"Feasts and Fasts," p. 86, *et seq.*

Sir Henry Spelman, who is recognized as high authority, in discussing the origin of practices in the English courts, says that all ancient nations prohibited legal proceedings on sacred days. His words are these:

To be short, it was so common a thing in those days of old to exempt the times of exercise of religion from all worldly business that the barbarous nations, even our *Angli*, while they were yet in Germany, the Suevians themselves, and others in those northern parts would in nowise violate or interrupt it. Tacitus says of them that during this time of holy rites, *non bellum ineunt, non*

arma sumunt. Clausum omne ferrum. Pax et quies tunc tantum nota, tunc tantum amat.

Speaking of the origin of the English "court terms," Spelman says:

I will therefore seek the original of our terms only from the Romans, as all other nations that have been subject to their civil and ecclesiastical monarch *do* and *must*.

The ancient Romans, while they were yet heathens, did not, as we at this day, use certain continual portions of the *year* for a legal decision of controversies, but out of superstitious conceit that some days were ominous and more unlucky than others (according to that of the Egyptians), they made one day to be *fastus* or *term day* and another (as an Egyptian day) to be vacation, or *nefastus;* seldom two fast or law days together; yea, they sometimes divided one and the same day in this manner:

Qui modo fastus erat, nunc nefastus erat.

The afternoon was term, the morning holy day. Nor were all their *fasti* applied to judicature, but some of them to other meetings and consultations of the commonwealth; so that being divided into three sorts, which they called *fastos proprie*, *fastos endotercisos*, and *fastos comitiales*, containing together one hundred and eighty-four days through all the months of the year, there remained not properly to the pretor, as judicial or triverbial days, above twenty-eight.

"English Works from Original MS. in Bodleian Library," book ii, p. 75.

Why such legislation was easily developed in connection with the Romanized Christianity of the fourth century, is set forth in the following:

The Latin mind, less speculative, more practical, political rather than theological in genius, while it touched doctrine only to exaggerate it, often in a very dismal way, was yet able to frame a church polity on the old imperial model, to build a *civitas Dei* where the *civitas Roma* once stood, giving to its visible head such absolute authority and divine honors as the emperors had once claimed, to its subjects such rights and privileges, only spiritualized, as the Roman citizen had once enjoyed.

"Philosophy of Religion and History," A. M. Fairbairn, p. 302, New York, 1876.

Many influences combined to bring about an unholy union between Christianity and Paganism at this time. The policy which Constantine pursued and the effect of it are well set forth in the following extracts from high authority:

About the year 300, and since prosperity produced many ceremonies, the people (from Constantine's compulsion) presented themselves in troops to crowd into the church. But the simplicity of Christianity disgusted many who retained before their eyes the pomp and magnificence of paganism, wherefore it was thought expedient to clothe religion with more splendid ceremonies that so the splendor of these ornaments might render it more august and recommendable.

But, after Constantine had constrained all to make

a public profession of Christianity, and Julian had revived the old demon worship, the carnal professors of Christianity, who were most numerous, though they were content to assume the name of Christians, yet were they not content to part with their pagan rites and customs; wherefore, to compromise the matter, they turn their pagan rites into Christian solemnities; and so christen their demon festivals under the name of some Christian martyr and saint. And that which made this design more plausible was this, some groundless hopes, by such symbolizing with the pagans to gain them over to the embracing of the Christian religion, which vain attempt was so far blasted by God as that it proved but a door to let in anti-Christ and all his demon worship into the Church of God.

"Court of the Gentiles," by Theophilus Gale, part iii, book ii, chap. ii, sec. 3, paragraphs 2 and 6.

CHAPTER II.

SUNDAY LEGISLATION UNDER THE ROMAN EMPIRE.

THE preceding chapter shows that there was nothing new in the legislation by Constantine concerning the Sunday. It was as much a part of the pagan cultus, as the similar legislation concerning other days which had preceded it. Such legislation could not spring from Apostolic Christianity. Every element of that Christianity forbade such interference by the state. The pagan character of this first Sunday legislation is clearly shown, not only by the facts above stated, but by the nature and spirit of the law itself. Sunday is mentioned only by its pagan name, "venerable day of the sun." Nothing is said of any relation to Christianity. No trace of the resurrection-festival idea appears. No reference is made to the Fourth Commandment or the Sabbath, or anything connected with it. The law was made for all the empire. It applied to every subject alike. The fact, that on the day following the publication of the edict concerning the Sunday, another was issued, ordering that the aruspices be consulted in case of public calamity, which was thoroughly

pagan in every particular, shows the attitude of the emperor and the influences which controlled him.

The following is the complete text of the laws just referred to. It will repay the reader for prolonged and careful study:

First Sunday Edict.

Let all judges and all city people and all tradesmen rest upon the *venerable day of the sun.* But let those dwelling in the country freely and with full liberty attend to the culture of their fields; since it frequently happens that no other day is so fit for the sowing of grain, or the planting of vines; hence, the favorable time should not be allowed to pass, lest the provisions of heaven be lost.

Given the seventh of March, Crispus and Constantine being consuls, each for the second time (321).

"Codex Justin," lib. iii, tit. xii, l. 3.

Edict Concerning Aruspices.

The August Emperor Constantine to Maximus:

If any part of the palace or other public works shall be struck by lightning, let the soothsayers, following old usages, inquire into the meaning of the portent, and let their written words, very carefully collected, be reported to our knowledge; and also let the liberty of making use of this custom be accorded to others, provided they abstain from private sacrifices, which are specially prohibited.

Moreover, that declaration and exposition, written in respect to the amphitheatre being struck by lightning,

concerning which you had written to Heraclianus, the tribune, and master of offices, you may know has been reported to us.

Dated, the 16th, before the calends of January, at Serdica (320). Acc. the 8th, before the Ides of March, in the consulship of Crispus II and Constantine III, Cæsars Coss. (321).

"Codex Theo.," lib. xvi, tit. x, l. 1.

It will be difficult for those who are accustomed to consider Constantine a "Christian emperor" to understand how he could have put forth the above edicts. The facts which crowd the preceding century will fully answer this inquiry. The sun-worship cult had grown steadily in the Roman Empire for a long time. In the century which preceded Constantine's time, specific efforts had been made to give it prominence over all other systems of religion. The efforts made under Heliogabalus (218–222 A. D.) marked the ripening influence of that *cult*, both as a power to control and an influence to degrade Roman life. The following quotations will set the facts before our readers, and may be more satisfactory to them than would be the statement of these facts from our pen. When given due weight they explain fully the nature of Constantine's legislation, as well as that of much which followed his time. Schaff describes Heliogabalus in the following words:

The abandoned youth, El-Gabal or Heliogabalus (218–222), who polluted the throne by the blackest vices

and follies, tolerated all the religions in the hope of at last merging them in his favorite Syrian worship of the sun with its abominable excesses. He himself was a priest of the god of the sun, and thence took his name.

"History of the Christian Church" (revised edition), vol. ii, p. 58.

Gibbon describes the same period in the following words:

The sun was worshiped at Emesa, under the name of Elagabalus, and under the form of a black conical stone, which, as it was universally believed, had fallen from heaven on that sacred place. To this protecting deity Antoninus, not without some reason, ascribed his elevation to the throne. The display of superstitious gratitude was the only serious business of his reign. The triumph of the god of Emesa over all the religions of the earth was the great object of his zeal and vanity; and the appellation of Elagabalus (for he presumed, as pontiff and favorite, to adopt that sacred name) was dearer to him than all the titles of imperial greatness. In a solemn procession through the streets of Rome, the way was strewed with gold-dust, the black stone, set in precious gems, was placed on a chariot drawn by six milk-white horses, richly caparisoned. The pious emperor held the reins, and, supported by his ministers, moved slowly backward, that he might perpetually enjoy the felicity of the divine presence. In a magnificent temple raised on the Palatine mount, the sacrifices of the god Elagabalus were celebrated with every circumstance of cost and solemnity. The richest wines, the most extraordinary victims, and the rarest aromatics were profusely consumed on his

altar. Around the altar a chorus of Syrian damsels performed their lascivious dances to the sound of barbarian music, while the gravest personages of the state and army, clothed in long Phœnician tunics, officiated in the meanest functions with affected zeal and secret indignation.

To this temple, as to the common center of religious worship, the imperial fanatic attempted to remove the Ancilia, the Paladium, and all the sacred pledges of the faith of Numa. A crowd of inferior deities attended in various stations the majesty of the god of Emesa; but his court was still imperfect, till a female of distinguished rank was admitted to his bed. Pallas had been first chosen for his consort, but as it was dreaded lest her warlike terrors might affright the soft delicacy of a Syrian deity, the moon, adored by the Africans under the name of Astarte, was deemed a more suitable companion for the sun. Her image, with the rich offerings of her temple as a marriage portion, was transported with solemn pomp from Carthage to Rome, and the day of these mystic nuptials was a general festival in the capital and throughout the empire.

"Decline and Fall," etc., vol. i, pp. 170, 171, New York, Harper and Brothers.

Heliogabalus is further described in these words:

He made it his business to exalt the honor of the deity whose priest he was. The Syrian god was proclaimed the chief deity in Rome, and all other gods his servants. Splendid ceremonies in his honor were celebrated, at which Heliogabalus danced in public; and it was believed that secret rites, accompanied by human

sacrifice, were performed in his honor. The shameless profligacy of the emperor's life was such as to shock even a Roman public.

"Encyclopædia Britannica," vol. xi, p. 564 (9th edition).

Under such an emperor came the triumph of Orientalism in the West. The sun-worship cult was peculiarly akin to the declining character of the Roman Empire. The lower phases, which found such revolting expression in the Baal worship, that contaminated the children of Israel, found a welcome place in the corrupted social life of dying Rome. Hence this cultus continued and flourished during succeeding reigns. Aurelian reigned from 270–276 A. D. Speaking of the magnificent "Triumph" of this emperor in 274 A. D., Gibbon says:

So long and so various was the pomp of Aurelians' triumph, that although it opened with the dawn of day, the slow majesty of the procession ascended not the Capitol before the ninth hour; and it was already dark when the emperor returned to the palace. The festival was protracted by theatrical representations, the games of the circus, the hunting of wild beasts, combats of gladiators, and naval engagements. . . .

A considerable portion of his Oriental spoils was consecrated to the gods of Rome, the Capitol, and every other temple, glittered with the offerings of his ostentatious piety; and the Temple of the Sun alone received above fifteen thousand pounds of gold. This last was a magnificent structure, erected by the emperor on the

side of the Quirinal Hill, and dedicated soon after the triumph, to that deity whom Aurelian adored as the parent of his life and fortunes. His mother had been an inferior priestess in a chapel of the sun; a peculiar devotion to the god of light was a sentiment which the fortunate peasant imbibed in his infancy; and every step of his elevation, every victory of his reign, fortified superstition by gratitude (vol. i, p. 361).

In foot-notes, Gibbon further says:

He placed in it the images of Belus and of the sun, which he had brought from Palmyra. . . . His devotion to the sun appears in his letters, on his medals, and is mentioned in the "Cæsars of Julian."

Speaking of Diocletian, who reigned from 284 to 305, Milman says:

The universal deity of the earth, the sun, to the philosophic, was the emblem or representative; to the vulgar, the deity. Diocletian himself, though he paid so much deference to the older faith as to assume the title of Jovius as belonging to the lord of the world, yet, on his accession, when he would exculpate himself from all concern in the murder of his predecessor, Numerian, appealed in the face of the army to the all-seeing deity of the sun. It is the oracle of Apollo of Miletus, consulted by the hesitating emperor, which is to decide the fate of Christianity. The metaphorical language of Christianity had unconsciously lent strength to this new adversary; and in adoring the visible orb, some, no doubt, supposed that they were not departing far from the worship of the "Sun of Righteousness."

In a foot-note, Milman adds:

Hermogenes, one of the older heresiarchs, applied the text, "He has placed his tabernacle in the sun," to Christ, and asserted that Christ had put off his body in the sun.

"History of Christianity," vol. ii, p. 215.

The Manichæans, who arose about this time in Persia, present another phase of the sun-worship cult. They spread through the East and West in considerable numbers, and continued till into the fifth or sixth century. From Milman we learn the important fact that they were not only sun-worshipers, but observers of the Sun-day. He says:

The worship of the Manichæans was simple; they built no altars, they raised no temple, they had no images, they had no imposing ceremonial. Pure and simple prayer was their only form of adoration; they did not celebrate the birth of Christ, for of his birth they denied the reality; their paschal feast, as they equally disbelieved the reality of Christ's passion, though they kept it holy, had little of the Christian form. Prayers addressed to the sun, or at least with their faces directed to that tabernacle in which Christ dwelt; hymns to the great principle of light; exhortations to subdue the dark and sensual element within; and the study of the marvelous "Book of Mani"—constituted their devotion. They observed the Lord's day.

Ibid., vol. ii, p. 274.

In the last remark Milman scarcely saves himself from the charge of an absolute misstatment.

The Manichæans did not observe Sunday as the "Lord's day," their doctrine concerning Christ forbidding such observance. The fact that Sunday was known at this date by some as the "Lord's day" alone saves the historian from absolute falsehood, when he states that "they observed the Lord's day." It will be seen by the following that their observance of Sunday was purely a pagan observance. Geisler says of them:

> The worship of the Manichæans was extremely simple. They celebrated the Sunday only by fasting.
>
> "Ecclesiastical History," vol. i, p. 133, Philadelphia, 1836.

Neander says of them:

> In regard to the festivals of the Manichees, we may observe that they celebrated Sunday not as commemorating the resurrection of Christ, which did not suit their Docetism, but as the day consecrated to the sun, who was, in fact, their Christ. In contradiction to the prevailing usage of the Church, they fasted on this day.
>
> "History of the Church during the First Three Centuries," Rose's translation, p. 316, Philadelphia, 1884.

Such were the influences which preceded Constantine and surrounded him when he came into power. The following extracts show still plainer the character of Constantine and his attitude toward the sun-worship cultus, when the first "Sunday edict" was issued:

Whatever symptoms of Christian piety might transpire in the discourses or actions of Constantine, he persevered till he was near forty years of age in the practice of the established religion; and the same conduct which, in the court of Nicomedia, might be imputed to his fear, could be ascribed only to the inclination or policy of the sovereign of Gaul. His liberality restored and enriched the temples of the gods; the medals which issued from his imperial mint are impressed with the figures and attributes of Jupiter and Apollo, of Mars and Hercules; and his filial piety increased the council of Olympus by the solemn apotheosis of his father, Constantius.

But the devotion of Constantine was more peculiarly directed to the genius of the Sun, the Apollo of Greek and Roman mythology, and he was pleased to be represented with the symbols of the God of Light and Poetry. The unerring shafts of the deity, the brightness of his eyes, his laurel wreath, immortal beauty, and elegant accomplishments seem to point him out as the patron of the young hero. The altars of Apollo were crowned with the votive offerings of Constantine, and the credulous multitude were taught to believe that the emperor was permitted to behold with mortal eyes the visible majesty of their tutelar deity, and that either waking or in a vision he was blessed with the auspicious omens of a long and victorious reign. The sun was universally celebrated as the invincible guide and protector of Constantine, and the pagans might reasonably expect that the insulted god would pursue with unrelenting vengeance the impiety of his ungrateful favorite.

Gibbon's "Decline," etc., vol. ii, pp. 250, 251.

Schaff says of Constantine:

Yet he had great faults. He was far from being so pure and so venerable as Eusebius (blinded by his favor to the Church) depicts him in his bombastic and almost dishonestly eulogistic biography, with the evident intention of setting him up as a model for all future Christian princes. It must, with all regret, be conceded that his progress in the knowledge of Christianity was not a progress in the practice of its virtues. His love of display and his prodigality, his suspiciousness and his despotism, increased with his power. The very brightest period of his reign is stained with gross crimes, which even the spirit of the age and the policy of an absolute monarch can not excuse. After having reached upon the bloody path of war the goal of his ambition, the sole possession of the empire, yea, in the very year in which he summoned the great council of Nicæa he ordered the execution of his conquered rival and brother-in-law, Licinius, in breach of a solemn promise of mercy (324). Not satisfied with this, he caused soon afterward, from political suspicion, the death of the young Licinius, his nephew, a boy of hardly eleven years. But the worst of all is the murder of his eldest son, Crispus, in 326, who had incurred suspicion of political conspiracy, and of adulterous and incestuous purposes toward his stepmother, Fausta, but is generally regarded innocent. . . .

At all events, Christianity did not produce in Constantine a thorough moral transformation. He was concerned more to advance the outward social position of the Christian religion than to further its inward mission. He was praised and censured in turn by the Christians and pagans, the orthodox and the Arians, as they suc-

cessively experienced his favor or dislike. . . . When, at last, on his death-bed, he submitted to baptism, with the remark, "Now let us cast away all *duplicity*," he honestly admitted the conflict of two antagonistic principles which swayed his private character and public life.

"Church History," vol. iii, p. 16, *et seq.* (revised edition), 1884.

The degenerate state of the Church during the Constantinian period, through the admixture of heathen influences, is also set forth by Dr. Schaff as follows:

In the Christian martyr-worship and saint-worship which now spread with giant strides over the whole Christian world, we can not possibly mistake the succession of the pagan worship of gods and heroes with its noisy popular festivities. Augustine puts into the mouth of a heathen the question, "Wherefore must we forsake gods which the Christians themselves worship with us?" He deplores the frequent revels and amusements at the tombs of the martyrs, though he thinks that allowances should be made for these weaknesses out of regard to the ancient custom. Leo the Great speaks of Christians in Rome who first worshiped the rising sun doing homage to the pagan Apollo before repairing to the basilica of St. Peter. Theodoret defends the Christian practices at the graves of the martyrs by pointing to the pagan libations, propitiations, gods, and demigods. Since Hercules, Æsculapius, Bacchus, the Dioscuri, and many other objects of pagan worship were mere deified men, the Christians, he thinks, can not be blamed for honoring their martyrs—not making them gods, but venerating them as witnesses and servants of the only

true God. Chrysostom mourns over the theatrical customs, such as loud clapping in applause, which the Christians at Antioch and Constantinople brought with them into the Church. In the Christmas festival, which from the fourth century spread from Rome over the entire Church, the holy commemoration of the birth of the Redeemer is associated—to this day even in Protestant lands—with the wanton merriments of the pagan Saturnalia. And even in the celebration of Sunday, as it was introduced by Constantine, and still continues on the whole Continent of Europe, the cultus of the old sun-god Apollo mingles with the remembrance of the resurrection of Christ, and the widespread profanation of the Lord's day, especially on the Continent of Europe, demonstrates the great influence which heathenism still exerts upon Roman and Greek Catholic, and even upon Protestant, Christendom.

"Church History," vol. iii, pp. 377, 378.

Similar testimony is borne by the following:

The first Roman converts to Christianity appear to have had very inadequate ideas of the sublime purity of the gospel, and to have entertained a strange medley of pagan idolatry and Christian truth. The emperor, Alexander Severus, who had imbibed from his mother, Mammæa, a singular regard for the Christian religion, is said to have placed in his domestic chapel the images of Abraham, of Orpheus, of Apollonius, and of Christ as the four chief sages who had instructed mankind in the methods of adoring the Supreme Deity.

"History of Rome," by Thomas Dyer, LL. D., p. 295, New York and London, 1877.

These facts combine to show that Sunday legislation was purely pagan in its origin. Corresponding facts concerning Christianity in the Roman Empire at that date show that its influence was not sufficient to produce such a legislation.

Apologists for Sunday incorrectly assume that the exception in favor of work in the country was due to the fact that few Christians dwelt in the rural districts. The words of the law give the true reason, namely, that the important interests of agriculture might not suffer. Similar exceptions were made with reference to other heathen festivals. The number of *dies non* was already so great that justice was thwarted thereby, as business would have been without this exception.

The numbers and influence of the Christians at this time were not sufficient to secure such legislation had they desired it. Gibbon testifies on this point as follows:

> According to the irreproachable testimony of Origen, the proportion of the faithful was very inconsiderable, when compared with the multitude of an unbelieving world; but, as we are left without any distinct information, it is impossible to determine, and it is difficult even to conjecture, the real numbers of the primitive Christians. The most favorable calculation, however, that can be deduced from the examples of Antioch and of Rome will not permit us to imagine that more than a twentieth part of the subjects of the empire had enlisted themselves under the banner of the cross before the important conversion of Constantine.

"Gibbon," vol. i, p. 583, Harper and Brothers, 1883.

This twentieth part of the people represented the least influential portion of the state, socially and politically, and the law could not have been made out of deference to them, and against the genius of the pagan cultus. More than this, the law was not desired or asked for by Christians. Constantine called no council to seek advice, neither did he act in response to any appeal from Christians. As pontifex maximus of all religions which were recognized by the state, he had absolute power in all such matters. In this law he only sought to give additional honor to the "venerable day" of his patron deity, the sun-god, Apollo. All this the most ardent friends of Sunday are compelled to admit. Schaff says:

> But the Sunday law of Constantine must not be overrated. He enjoined the observance, or rather forbade the public desecration of Sunday, not under the name of *Sabbatum* or *Dies Domini*, but under its old astrological and heathen title, *Dies Solis*, familiar to all his subjects, so that the law was as applicable to the worshipers of Hercules, Apollo, and Mithras, as to the Christians. There is no reference whatever in his law either to the Fourth Commandment or to the Resurrection of Christ.
>
> "Church History," vol. iii, p. 380.

Milman says:

> The rescript, indeed, for the religious observance of the Sunday, which enjoined suspension of all public business and private labor, except that of agriculture, was enacted, according to the apparent terms of the decree,

for the whole Roman Empire. Yet, unless we had direct proof that the decree set forth the Christian reason for the sanctity of the day, it may be doubted whether the act would not be received by the greater part of the empire, as merely adding one more festival to the *fasti* of the empire, as proceeding entirely from the will of the emperor, or even grounded on his authority as supreme pontiff, by which he had the plenary power of appointing holy days. In fact, as we have before observed, the day of the sun would be willingly hallowed by almost all the pagan world, especially that part which had admitted any tendency toward the Oriental theology.

"History of Christianity," book iii, ch. iv.

Thus, it is clear that antecedent influences and legislation, the nature and spirit of the first Sunday law, the character of the emperor, who acted in his pagan, official, capacity as *pontifex maximus* in issuing the edict, the state of the empire, and the corrupt character of the Church at that period, all declare the pagan origin of Sunday legislation. Another important fact is either ignored or carefully concealed by most writers—namely, that the term "Lord's day" does not appear in any civil legislation concerning Sunday, until the year 386, more than two generations after the date of the first law. Worse than this, many writers, whose high character should have prevented them from so doing, have spoken of Constantine's legislation as concerning "the Lord's day" or "Christian Sabbath." Such use of terms is not only unauthorized by the facts, but is historically dishon-

est. For the latter term, "Christian Sabbath," has no place in history, either civil or ecclesiastical, until the time of the Reformation. It would be as unjust to designate Paul, the converted apostle, by the name of Saul, the persecutor, as to apply the term "Christian Sabbath," as now used, to the conception expressed by "venerable day of the sun" in Constantine's legislation.

The legislation which followed that of Constantine shows that the idea of exalting and protecting Sunday as a *Christian* institution, and especially as a sacred day, was not the prominent idea. On the contrary, this legislation shows that the pagan conception of a state church, which should control all religious matters, especially all days, whether fasts or festivals, was the central idea. As already noticed, the laws given above were issued March 7th and 8th, A. D. 321. The Sunday law was found to be too strict, and, in July of the same year, Constantine relaxed it by the following edict:*

The august Emperor Constantine to Elpidius:

As it seemed unworthy of the day of the sun, honored for its own sacredness, to be used in litigations and baneful disputes of parties, so it is grateful and pleasant on that day for sacred vows to be fulfilled. And, therefore, let all have the liberty on the festive day of eman-

* In some instances the numbering of the laws from the Theodosian Code varies from the order as found in *Corpus Juris Romani Ante Justiniani*, but the text is the same.

cipating and manumitting slaves, and besides these things let not public acts be forbidden.

Published the 5th, before the nones of July, at Caralis, in the consulship of Crispus II and Constantine II (321).

"Codex Theo.," lib. ii, tit. viii, lex 1.

It will be seen that this law introduced no Christian idea, and predicates the sacredness of the day upon the fact that it is the *day of the sun.*

Nothing appears in the line of Sunday legislation after this edict of July, 321, for *sixty-five years.* In 386 A. D., under the joint rule of Gratianus, Valentinianus, and Theodosius, legislation is taken up in which there is slight commingling of the "Lord's day" element with the pagan element. The evils rising from the degrading public shows seem to have interfered with the administration of justice, and to have corrupted the character of the civil judges. Hence, the first law in the year 386 A. D. is as follows:

The three august emperors, Gratianus, Valentinianus, and Theodosius, to Rufinus, pretorian prefect:

I. Let no one of the judges be free to attend either theatrical representations, or the contests of the circus, or the courses of the wild beasts, except on those days only on which we were born, or obtained the scepter of the government, and on those days let them observe the festival only before noon, but after dinner let them refrain from returning to the show.

Yet all, whether judges or private persons, shall understand that in the show no reward in gold shall at all

be given, this being lawful only to the consuls to whom we have granted the management of expending public funds.

II. We also give this admonition, that no one shall offend against the law just promulgated, nor exhibit any show to the people on the day of the sun, nor commingle divine worship with the completed festival (blood of slain beasts).

Dated the thirteenth before the calends of June, at Heraclea, in the consulship of most noble, pious Honorius, and most distinguished Euodius (386).

"Codex Theo.," lib. xv, tit. v, lex 2.

Later in the same year, and by the same emperors, we have the following legislation, in which the term "Lord's day" appears for the first time in the civil legislation of the empire, combined in such a way with the sun's day, as to include both the pagan conception and the resurrection-festival idea, which had become engrafted upon the paganized Christianity of the time. The law is as follows:

On the day of the sun, properly called the Lord's day by our ancestors, let there be a cessation of lawsuits, business, and indictments; let no one exact a debt due either the state or an individual; let there be no cognizance of disputes, not even by arbitrators, whether appointed by the courts or voluntarily chosen. And let him not only be adjudged notorious, but also impious who shall turn aside from an institute and rite of holy religion.

Published the third before the nones of November,

at Aquilia; approved at Rome the eighth before the calends of December, in the consulship of most noble, pious Honorius, and most illustrious Eudius (386).

"Codex Theo.," lib. viii, tit. viii, lex 3.

Three years later this legislation was enlarged, grouping an increased number of pagan festivals, including the birthdays of the emperors, and the days on which they assumed the imperial office. It must be remembered that the emperors were worshiped as gods, and until a period long after this they were deified after death. The following is the text of the law:

The three august emperors, Valentinianus, Theodosius, and Arcadius, to Albinus, prefect of the city:

We command that all days shall be days for the administration of justice. It is proper that those days only shall be holidays which in the twin months the more indulgent portion of the year has designated for rest, for mitigating the heat of summer, and gathering the fruits of autumn.

1. We likewise set apart, for rest, the usual days of the calends of January.

2. We designate (also) the natal days of the greatest cities, Rome and Constantinople, on which justice ought to be deferred, because from these it also had its origin.

3. Likewise we regard with the same reverence the sacred days of Pascha, the seven which precede, and the seven which follow; and likewise the days of the sun as they follow each other in order.

4. It is necessary to hold in equal reverence our own days, either those which brought us forth (to behold)

auspicious light—that is, their birthdays—or gave birth to the empire.

Dated at Rome the seventh before the ides of August, in the consulship of Timasius and Promotus (389).

"Codex Theo.," lib. ii, tit. viii, lex 19.

There was evidently great disregard for these enactments, for three years later the following orders were issued to the city government at Constantinople:

The three august emperors, Valentinianus, Theodosius, and Arcadius, to Proculus, prefect of the city:

The games of the circus should be prevented on the festive days of the sun, in order that no gathering for shows may turn away the attendance from the venerable mysteries of the Christian religion, except on the natal days of our grace.

Dated the fifteenth before the calends of May, at Constantinople, in the consulship of the august Arcadius and Rufinus (392).

A few days later, on the sixth day before the calends of June, these same emperors decreed as follows:

All business, whether public or private, shall be laid aside for the fifteen days of Easter (392).

"Codex Theo.," lib. ii, tit. viii, lex 20 et lex 21.

The following bit of legislation indicates how thoroughly public shows were associated with public festivals. The reader will see that it is an order for certain theatrical shows to be exhibited on Christmas. The law is as follows:

The Emperors Arcadius and Honorius, A. A., to the prefect of the city:

Our imperial edict was lately published that the expenditure to be made for the theatre should be turned to the construction of an aqueduct; but now do you cause it to be properly granted so that the pretors, Romanus and Laureatus, may exhibit the theatrical shows on the birthday of our Lord.

Dated the fourth before the calends of January, at Constantinople, Arcadius IV, and Honorius III, being consuls (396).

"Codex Theo.," lib. vi, tit. iv, lex 29.

Many of these public shows, under the degrading influences connected with them—which degradation was of a semi-religious origin—had become so corrupting that they were forbidden upon all days. These were more dangerous when permitted on Sunday, because of the additional temptation granted by the leisure attending that day. Hence, in the year 399, we find a special law forbidding the debasing shows of the circus on Sunday, but at the same time repealing the act which forbade the emperor's birthdays to be celebrated on Sunday. The law is as follows:

The two august emperors, Arcadius and Honorius, to Aurelianus, pretorian prefect:

On the Lord's day, which derives its name from the respect due it, let there be no celebration of theatrical sports, nor races of horses, nor any shows in any city, which are found to enervate the mind. But the natal

days of the emperors, even if they fall on the Lord's day, may be celebrated.

Dated the first of September, at Constantinople, in the consulship of most illustrious Theodosius (399).

"Codex Theo.," lib. ii, tit. viii, lex 23.

In the following year these prohibitions are extended to the days of Lent, of Easter, Christmas, and the Epiphany, thus carrying out the idea which prevails in all the legislation that Sunday held no prominence over these other days. The additional law is as follows:

The two august emperors, Arcadius and Honorius, to Hadrian, pretorian prefect:

Out of regard for religion, we warn and decree that during the seven days of Lent, the seven days of Easter, by the hallowing of which and by fasting, sins are remitted, and likewise on the day of his (Christ's) birth, and on the Epiphany, let no shows be exhibited.

Dated the day before the nones of February, at Ravenna, in the consulship of Stilicho and Aurelian (400).

"Codex Theo.," lib. ii, tit. viii, lex 24.

Laws Concerning the Sabbath.

An important fact relative to the legislation concerning the Sabbath must be here noted. As early as the year 214 a law had been passed protecting the Jews in the observance of their feast days and the Sabbath. It is as follows:

The Emperor Antonius to Claudius Triphonius:

On their feast days, or Sabbaths, the Jews do not undergo any bodily service nor perform anything whatever; neither are they to be summoned into court on account of any public or private suit; neither may they summon Christians into court.

Dated the day before the calends of July, Antonius and Balbinus being consuls (214).

"Codex Just.," lib. i, tit. ix, lex 11.

In the year 409 two other laws, addressed to different officers, appeared recognizing the rights of the Jews, and also indicating that Christians still observed the Sabbath, and were not to be disturbed by legal business. The fact of this legislation, stretching over a period of nearly two hundred years, is important, as showing the continuation of Sabbath-keeping. These laws are as follows:

The two august emperors, Honorius and Theodosius, to John, pretorian prefect:

On the Sabbath day and other days, during which the Jews pay respect to their own mode of worship, we enjoin that no one shall do anything, or ought to be sued in any way; with regard to public taxes and private litigations, it is plain that the rest of the days can suffice.

Dated the seventh before the calends of August, at Ravenna, our lords Honorius VIII and Theodosius III, both august, being consuls (409).

The Emperors Honorius and Theodosius, A. A., to Jovius, pretorian prefect:

In respect to the Sabbath and other days when the Jews pay respect to their religion, we enjoin that no one shall do anything, and that no one ought in any respect to be pleaded against judicially; yet, so that no license be given to prosecute orthodox Christians on the same day, lest, perchance, by the prosecution of the Jews on the aforesaid day, Christians shall be molested with fiscal affairs; and as for private litigation, let the remaining days suffice.

Given the eighth before the calends of August, at Ravenna (409).

"Codex Just.," book i, tit. ix, lex 13.

This legislation concerning the Sabbath is, like that concerning Sunday, in keeping with the genius of the Roman legislation, which aimed to grant certain rights to all legal religions. As already suggested, these laws show that the Sabbath was observed, and legally protected as late as 409 A. D.

Laws Concerning Prisoners.

This year 409 was prolific in religious and humanitarian legislation. Many abuses seem to have been connected with the prisons in the Roman Empire, and there was great want of care for the physical welfare of the prisoners. Hence, we find the following law, the reason for which seems to have been that Sunday, as a day of leisure and of semi-religious regard, was devoted to such humanitarian work. The law is as follows:

The two august emperors, Honorius and Theodosius, to Cæcilianus, pretorian prefect, after other things:

Let the judges take care and ascertain by inquiry that the debtors are brought out of prison on all of the Lord's days, lest humane treatment be denied these through the bribery of the guards of the prison. Let them cause food to be supplied to those not having it, two or three pence daily, or as many as they may deem sufficient, having been assigned to the keeper of the prison, since the provisions for the poor are enough for their support. These ought to be conducted to the bath under faithful guards; a fine of twenty pounds of gold being imposed upon the judges, and the same amount upon their assistants, and also a fine of three pounds of gold being denounced against the commanders, if they shall treat with contempt these most salutary enactments. A praiseworthy care shall not be wanting to the bishops of the Christian religion to impress this admonition for observing the ordinance upon the judges.

Dated the 12th day before the calends of February, at Ravanna, in the consulship of Honorius VIII and Theodosius III (409).

"Codex Theo.," lib. vi, tit. iv, lex 29.

Still further humanitarian legislation occurs in this same year by which Sunday, the pagan feast of the harvest, the autumn feast of the vintage, the holy days of Easter, the day of Christ's birth, and of the Epiphany are all associated and protected. There is also an additional law concerning the shows on Sunday, and the celebration

of the birthdays of the empire. The following is the text of the two laws referred to:

The august emperors, Honorius and Theodosius, to Jovius, pretorian prefect, after other things:

On the Lord's day, commonly called the day of the sun, we do not at all allow the exhibition of any shows, although perchance the dawn of our empire appeared on that day in the yearly cycle, or the festivities due to our birthday are deferred.

Dated the 1st of April at Ravenna, in the consulship of the august Honorius VIII and the august Theodosius III (409).

"Codex Theo.," lib. ii, tit. viii, lex 25.

On the Lord's day it shall be lawful to emancipate and to manumit, let other causes or litigations rest, and also during the feast of the harvest, from the eighth day of the calends of July to the calends of August; from the calends of August to the tenth calends of September, causes may be tried; but from the tenth calends of September to the ides of October let there be the feast of the vintage; also the holy day of Easter, the day of our Lord's nativity, the day of the Epiphany, the seven days preceding and the seven days following, we wish to be observed without noise, and whatever has been enacted contrary to this is in all respects made void.

"Codex Justin," lib. iii, tit. xii, lex 2.

In 425 A. D. we find distinct evidences that the worship of the emperor, a purely pagan practice, still continued in a slightly modified form. There seems to have been a recognition by the emperors making this law, that the honors due them

were not quite equal to the honors due Jehovah. Hence the following:

The emperors, Theodosius and Valentinianus, to Aëtius, pretorian prefect:

If ever our statues or likenesses are set up, whether on holidays, as is the custom, or on common days, let the inscription be devoid of extreme adulation in order that the decoration may appear to have been added in honor of the day or the place and our memory.

1. Likewise, images desired at the games merely in the thoughts and secret plans of the concourse of the multitude, should show that our power and glory are in a flourishing condition; going beyond the respect due to the dignity of man should be reserved for the power on high.

Dated the nones of May, Theodosius, A. XI, and Valentinianus, C. Coss. (425).

"Codex Theo.," lib. xv, tit. iv, lex 1.

This same year witnessed a renewal of legislation concerning many days, which shows that the pagan theory of placing all days and festivals upon the same basis held absolute sway, and it will be seen that according to the following law, Sunday holds no pre-eminence over many other days;

The august emperors, Theodosius and Valentinianus, to Asclepiodotus, pretorian prefect:

On the Lord's day, which is the first day of the whole week, and on the days of the nativity and the Epiphany of Christ, and also on the days of Pentecost and of Easter, as long as the celestial light and the (white) gar-

ments testify of the new light of sacred baptism (in our souls); at which time also the memory of the passion of the apostles, the supreme teachers of Christianity, is rightly celebrated by all; all the pleasure of the theatres and of the circus throughout all cities, being denied to the people of the same, let the minds of all faithful Christians be employed in the worship of God. If any, even now, through the madness of Jewish impiety or the error and folly of dull paganism are kept away, let them learn that there is one time for prayer and another for pleasure. Let no one think himself compelled, as by a great necessity, in honor of our power or imperial office, lest he exalt the work of the shows to the contempt of divine religion; neither let him fear that he will come under the condemnation of our highness, if he shall show less of devotion to us than is customary; and let no one wonder because reverence is then turned away from our excellency, human born, to God the omnipotent and deserving, to whom the allegiance of the whole world ought to be paid.

Given at Constantinople, February 1st (425).

"Codex Theo.," lib. xv, tit. v, lex 5.

Legislation concerning Sunday and its associate festivals rested for about fifty years from the date of the foregoing laws. The empire was already swaying toward its fall, and it is evident that the laws already made concerning festivals were regarded lightly by the people. In the year 469 the essence of the preceding laws was embodied in the following enactment. It shows no departure from the genius of the pagan state, and

thus proves that while the first law under Constantine was purely pagan, both in form and spirit, the last laws before the fall of the empire were not essentially more Christian. The legislation had been enlarged, commingling old pagan festivals, baptized with new names, and modified somewhat in observance by the tide of Christian life. The following is the text of this enactment:

The august emperors, Leo and Anthemis, to Armasius, pretorian prefect:

We wish the festal days dedicated to the Majesty Most High, to be employed in no voluptuous pleasures, and profaned by no vexatious exactions.

1. Therefore we decree that the Lord's day shall always be so held in honor and veneration, that it shall be free fom all prosecutions, that no chastisement shall be inflicted upon any one, that no bail shall be exacted, that public service shall cease, that advocacy shall be laid aside, that this day shall be free from judicial investigations, that the shrill voice of the crier shall cease, that litigants shall have rest from their disputes, and have time for compromise, that antagonists shall come together without fear, that a vicarious repentance may pervade their minds, that they may confer concerning settlements and talk over terms of agreement. But, though giving ourselves up to rest on this religious day, we do not suffer any one to be engaged in impure pleasures. On this day the scenes of the theatre should make no claim for themselves, neither the games of the circus nor the tearful shows of the wild beasts; and if the celebration should happen to fall on our birthday it may be postponed.

He shall suffer the loss of his office and the confiscation of his estate, who shall attend the games on this festal day, or shall, as a public servant, under pretense of public or private business, cause these enactments to be treated with contempt.

Dated, December 13, at Constantinople, Zeno and Martianus being consuls (469).

"Codex Justin," lib. iii, tit. xii, lex 11.

Not one of the days included in the foregoing legislation can claim any direct authority from the New Testament, or the practices of the Apostolic Church. If all be granted which candid scholarship can ask concerning Sunday, there is only a certain presumptive evidence in favor of any observance of it until after the Church passed under the control of pagan influences. But the point to be noted is that civil legislation concerning Sunday and its associate festivals was purely pagan as to its origin. The feasts of harvest, the vintage, and of January, were all pagan in origin and character, and the modification which took place after the introduction of Christianity was such as drew the Christians to the heathen practices, rather than such as raised the heathen up to Christianity. Indeed, New Testament Christianity knew no such festivals and no such observance. Its tenor is positively opposed to such legislation. The Church was not only degraded by the interference of the civil law, but more deeply corrupted by the inweaving of pagan philosophy and pagan practices. These influences, and the complications

which arose through civil legislation and filled the Church with self-seeking and unconverted men, made it impossible for Christianity to retain its primitive purity. This chapter leaves the legislation at the dividing line between the falling empire and the middle ages.

CHAPTER III.

SUNDAY LEGISLATION AFTER THE FALL OF THE ROMAN EMPIRE.

In the Roman Sunday laws given in the last chapter, we have a picture of the united Church and State, and the status of the Sunday and other festivals when the Roman Empire was broken in pieces by the tide of barbarian immigration. It will be well to note the general state of Christianity before taking up the legislation of the next period.

Christianity has gained a political victory, and suffered a moral and spiritual defeat. It has imparted much of good to heathenism, but it has suffered far greater loss in its own purity. Worse than all else, it has become involved in a false policy, the ripened fruitage of which can not be less than the horrors of the "dark ages." The controlling ideas in the Church are far removed from the teachings of him who said, "My kingdom is not of this world." Beginning with Constantine, emperors unlearned in the Scriptures and unguided by the spirit of truth, were accustomed to decide what

Christianity was, and what should be persecuted as heresy. Swayed by personal ends and political intrigue, the orthodoxy of to-day was the heresy of to-morrow. Nothing less than a divine Christianity could have survived total destruction. The evidences of perversion and corruption are so great that no lover of truth can close his eyes against the need of reform which yet cries against the false theories that remain in the reforming but not wholly reformed Christianity of our own time. Under the policy of that time, whoever accepted the *legal* standard was a Christian, whoever did not was a "heretic"—religiously a criminal. Note the following testimony:

The martyrs and confessors of the first three centuries in their expectation of the impending end of the world and their desire for the speedy return of the Lord, had never once thought of such a thing as the great and sudden change which meets us at the beginning of this period in the relation of the Roman state to the Christian Church. Tertullian had even held the Christian profession to be irreconcilable with the office of a Roman Emperor. Nevertheless, clergy and people very soon and very easily accommodated themselves to the new order of things, and recognized in it a reproduction of the theocratic constitution of the people of God under the ancient covenant. Save that the dissenting sects who derived no benefit from this union, but were rather subject to persecution from the state and from the established Catholicism, the Donatists, for an especial instance, protested against the intermeddling of the temporal

power with the religious concerns. The heathen, who now came over in a mass, had all along been accustomed to a union of politics with religion, of the imperial with the sacerdotal dignity, They could not imagine a state without some cultus, whatever might be its name. And as heathenism had outlived itself in the empire, and Judaism, with its national exclusiveness and its stationary character, was totally disqualified, Christianity must take the throne. . . . .

But the elevation of Christianity as the religion of the state presents also an opposite aspect to our contemplation. It involved great risk of degeneracy to the Church. The Roman state, with its laws, institutions, and usages, was still deeply rooted in heathenism, and could not be transformed by a magical stroke. The Christianizing of the state amounted, therefore, in great measure to a paganizing and secularizing of the Church. The world overcame the Church as much as the Church overcame the world, and the temporal gain of Christianity was, in many respects, canceled by spiritual loss. The mass of the Roman Empire was baptized only with water, not with the spirit and fire of the gospel, and it smuggled heathen manners and practices into the sanctuary under a new name. The very combination of the cross, with the military ensign by Constantine, was a most doubtful omen, portending an unhappy mixture of the temporal and spiritual powers, the kingdom which is of the earth and that which is from heaven. The settlement of the boundary between the two powers which, with all their unity, remain as essentially distinct as body and soul, law and gospel, was itself a prolific source of error and vehement strifes about jurisdiction, which stretched through all the middle age, and still repeat themselves

in these latest times, save where the amicable American separation has thus far forestalled collision.

Philip Schaff, "Church History," vol. iii, pp. 91 and 93.

It is difficult for those who are not familiar with the relations which existed between Christianity and the civil government of the Roman Empire to understand how entirely they were inwoven one with the other, and how each modified the other. Protestants have been so busy in defending the position assumed by the reformers of the sixteenth century, that the majority of them have not looked carefully into the influences which produced the evils that compelled the work of reformation. Under Constantine, Christianity was taken in charge as a recognized religion to be protected and fostered by the empire. It was not made the official religion of the empire until nearly the close of the fourth century—380 A. D.—under Theodosius. Meanwhile, the civil law had assumed absolute control over all the departments of the Christian Church. The emperor, as *pontifex maximus*, not only retained his position as having plenary power to appoint festivals, ceremonies, etc., but at and after the Council of Nice, 325 A. D., the civil law determined what should be recognized as Christianity. Before the close of the fourth century seventeen edicts had been issued against heretics and against pagans in Asia Minor alone. Following this policy, the empire made every effort, using both bribery and fear

from time to time to induce men to profess allegiance to Christianity.

Touching this point, C. J. Stille, writing in the "Schaff-Herzog Encyclopædia," vol. iii, p. 2070, says:

No one can read the account of the proceedings of the Council of Nicæa (325), which formulated the creed which from that period to this has been regarded as the basis of the faith of the universal Church, without being convinced that the emperor was regarded as something more than the honorary president of that body, that he considered himself at least as *pontifex maximus* in the new religion, as his predecessors had been in the old; and thus at the very outset was forced upon the infant Church that unholy alliance with the state which, among other things, has helped to make Christianity so conspicuous an element in all subsequent history. The modern conception of the union of Church and State had its origin under Constantine. His successors, Theodosius and Gratian, define or ratify the definition of doctrines and condemn heretics. Justinian evidently thought himself pope and emperor combined; and Charlemagne, in his "Capitularies," is at once the legislator of the Church and of the State.

The Christian Church received from Constantine another distinguishing mark, which it retained for nearly fifteen hundred years—namely, the principle and the practice of punishing heretics by civil penalties. It is an humiliating confession to make that heresy—which is defined to be a persistent advocacy of opinions which have been condemned by the Church—is an offense which has never been punished as a crime by the civil

magistrate under any ecclesiastical system save the Christian. But Constantine provided by an edict that the Donatist heretics should be so punished in 316, and his example was followed by Theodosius and others, so that before the close of the fourth century no less than seventeen edicts had been promulgated directing the magistrates to punish Christian dissenters. By these edicts they were deprived of their property and made incapable of holding office, and they were liable to be scourged and banished. The first blood judicially shed for religious opinion is said to have been that of certain Manichæans in 385 ; but it is alleged that their condemnation was extorted from an usurping emperor, and that the infliction of death as a punishment was highly disapproved by such saints as Martin of Tours and Ambrose of Milan.

During the fourth century the pretensions of the Christian hierarchy to power were greatly increased, and the primitive simplicity of the conduct of Christians no longer existed. The Church had vast possessions ; its clergy formed the larger portion of the educated classes, and held conspicuous positions at the imperial court. Christian beneficence was not only recognized as a duty, but it became the fashion, or rather a passion, among people of rank and wealth, to lavish gifts on the Church ; the magistrates in the town worked generally harmoniously with the bishop in the administration, the bishop, indeed, becoming the most conspicuous officer in the *municipia*. In short, society during the fourth century, both in the East and the West, became Christianized. A revolution had begun, which not only destroyed the outward forms of paganism, but which gradually worked out its spirit from the minds of the people. Nowhere

can we find a better illustration of the recognized power of the clergy than where Ambrose, Archbishop of Milan, has the courage to forbid the Emperor Theodosius (A. D. 390) even to enter the church, much less to receive therein the sacraments, until he had undergone penance for the crime of the massacre at Thessalonica, of which he had been guilty.

The policy thus inaugurated at the opening of the fourth century was steadily pursued until under Justinian, who reigned from 527 to 565 A. D., it culminated in such a combination that the unholy alliance, after the model of the pagan cultus, thoroughly prepared the way for the coming of the dark ages. The empire had been divided into Eastern and Western, over questions of doctrine, which division Justinian healed, or rather covered, by imperial authority. He then sought to become the world's legislator by codifying all Roman laws which had been enacted during the preceding thousand years. Concerning this codification and its effect upon the Church, Milman says:

In the following chapters (of the Justinian Code) the appointment, the organization, the subordination, the authority of the ecclesiastical, as of the civil magistrates of the realm, is assumed to emanate from, to be granted, limited, prescribed by the supreme emperor. Excommunication is uttered indeed by the ecclesiastics, but according to the imperial laws and with the imperial warrant. He deigns, indeed, to allow the canons of the Church to be of not less equal authority than his laws;

but his laws are divine, and these divine laws all metropolitans, bishops, and clergy are bound to obey, and, if commanded, to publish. The hierarchy is regulated by his ordinance. He enacts the superiority of the metropolitan over the bishop, of the bishop over the abbot, of the abbot over the monk. Distinct imperial laws rule the monasteries. The law prescribes the ordination of bishops, the persons qualified for ordination, the whole form and process of that holy ceremony. The law admitted no immunities in the clergy for crimes committed against the state and against society. It took upon itself the severe superintendence of clerical morals. The passion for theatrical amusements, for the wild excitement of the horse-race, and the combat with wild beasts, or even more licentious entertainments, had carried away many of the clergy, even of the bishops. A law, more than once re-enacted and modified, while it acknowledged the power of the clergy's prayers to obtain victory over the barbarians and to obtain from heaven extended empire, declared that for this reason they should be unimpeachable. But, notwithstanding the most solemn admonition, they could not be persuaded, not even the bishops, to abstain from the gaming-table, or the theatre with all its blasphemies and license. The emperor was compelled to pass this law, prohibiting, under pain of suspension for the first offense, of irrevocable degradation and servitude to the public corporations, any one of the clergy, of any rank, from being present at the gaming-table or at any public spectacle. These penalties, with other religious punishments, as fastings, were to be inflicted, according to the rank of the offender, by the bishop or the metropolitan. The refusal to punish, or the endeavor to conceal, such offenses made both the

civil officers and ecclesiastics liable to civil as well as to ecclesiastical penalties.

The bishop was an imperial officer for certain temporal affairs. In each city he was appointed, with three of the chief citizens, annually to inspect the public accounts, and all possessions or bequests made for public works, markets, aqueducts, baths, walls and gates, and bridges. Before him guardians of lunatics swore on the Gospels to administer their trust with fidelity, and many legal acts might be performed either in the presence of the Defensor or the bishop of the city. For the discharge of these temporal functions, the bishops were reasonably answerable to the emperor, and thus the empire acknowledged, at the inspiration of Christianity, a new order of magistracy.

The law limited the number of clergy to be attached to each church. This constitution was demanded in order to check that multiplication of the clergy which exhausted the revenues of the Church, and led to burdensome debts. In the great church at Constantinople the numbers were to be reduced to 425, besides 100 ostiarii. The smaller churches were on no account to have more than they could maintain. . . .

But the legislation of Justinian, as far as it was original, in his Code, his Pandects, and in his Institutions within its civil domain, was still almost exclusively Roman. It might seem that Christianity could hardly penetrate into the solid and well-compacted body of Roman law; or rather, the immutable principles of justice had been so clearly discerned by the inflexible rectitude of the Roman mind, so sagaciously applied by the wisdom of her great lawyers, that Christianity was content to acquiesce in those statutes, which even she might,

excepting in some respects, despair of rendering more equitable. Christianity in the Roman Empire had entered into a temporal polity, with all its institutions long settled, its laws already framed. The Christians had, in their primitive state, no natural place in the order of things. That separate authority which the Church exercised over the members of its own community from its origin, and without which the loosest form of society can not subsist, was in no way recognized by the civil power; they were the voluntary laws of a voluntary association. But, besides these special laws of their own, the Christians were in every respect subjects of the empire. They were strangers in religion alone. After the comprehensive decree of Caracalla, they, like the rest of mankind within the pale of the empire, became Roman citizens; and the supremacy of the state in all things which did not concern the vital principles of their religion (for which they were still bound, if the civil power should exercise compulsion, to suffer martyrdom) was acknowledged both in the West and in the East, both before and after the conversion of Constantine.

Milman, "History of Latin Christianity," book iii, chap. v.

The various influences which united to bring about the fall of the Roman Empire made it possible for the Church, already incorporated with the state through civil legislation, to rise to imperial power upon the ruins of the broken empire. The Pope soon became what the emperor had been. The Church had been much strengthened, politically, by the exemption from most public burdens which had been granted to the clergy. This ex-

emption was not, however, made as a favor to Christianity, but was granted to the representatives of Christianity, as it had already been granted to heathen priests, to Jewish rulers of the synagogue, to rhetoricians, and in part, at least, to physicians. It was first granted to the orthodox clergy by Constantine in 313 A. D. These political favors caused such a rush into the ranks of the clergy that the interests of the state were injured while the Church was corrupted. The freedom from taxation thus granted depleted the treasury of the empire, so that in a very brief period (320 A. D.) it was found necessary to forbid the wealthy to enter the service of the Church. The support of the clergy from the treasury of the state increased the prevailing evils, and steadily degraded those who ministered at the altars of Christianity. So it came about that when the empire fell the state-church rose upon its ruins, and the "Holy Roman Empire" was the legitimate successor of the fallen pagan empire. Let the reader bear in mind that the point urged in these pages is that all this union of Church and State, this regulating of the ceremonies and doctrines of Christianity by civil law, this granting of political and financial favors and influence to the clergy, this combining of the spiritual and temporal power, sprang from the heathen cultus. Whatever may have been the necessities or the unavoidable results from the combinations which took place, these results, especially in the matter of legislation, were from pagan

sources. With these facts before us, we are well prepared to understand the character of the legislation which was continued through the middle age, especially if we note, before entering upon this specific legislation, the character of the middle age in general.

The Middle Age.

The middle age was necessarily one of ignorance and disorder. During the earlier period Christianity had been in conflict with cultivated heathenism, with refined philosophies, and subtle immorality. In the middle age the battle was with rude and ignorant barbarism, crude, cruel, but robust, and free from the weaknesses of an effete civilization. We do not complain because history is not other than it is. Considering the choice which men made, it could not have been otherwise. But we do insist that neither the Romanized period under the empire, nor the following night, was in accord with true Christianity, nor was it the product of the New Testament doctrine. It is our duty to test all questions by the Bible, the clear light, and not by the waning light of the imperial time, nor the starlight of the succeeding night. Dr. Schaff says:

> The mediæval light was indeed the borrowed star and moonlight of ecclesiastical tradition, rather than the clear sunlight from the inspired pages of the New Testament; but it was such light as the eyes of nations in

their ignorance could bear, and it never ceased to shine till it disappeared in the daylight of the great Reformation. Christ had his witnesses in all ages and countries, and those shine all the brighter who were surrounded by midnight darkness.

> "Pause where we may upon the desert road,
> Some shelter is in sight, some sacred, safe abode."

On the other hand, the middle ages are often called, especially by Roman Catholic writers, "the ages of faith." They abound in legends of saints, which had the charm of religious novels. All men believed in the supernatural and miraculous as readily as children do now. Heaven and hell were as real to the mind as the kingdom of France and the republic of Venice. Skepticism and infidelity were almost unknown, or at least suppressed and concealed. But with faith was connected a vast deal of superstition, and an entire absence of critical investigation and judgment. Faith was blind and unreasoning, like the faith of children. The most incredible and absurd legends were accepted without a question. And yet the morality was not a whit better, but in many respects ruder, coarser, and more passionate than in modern times.

The Church, as a visible organization, never had greater power over the minds of men. She controlled all departments of life from the cradle to the grave. She monopolized all the learning, and made sciences and arts tributary to her. She took the lead in every progressive movement. She founded universities, built lofty cathedrals, stirred up the crusades, made and unmade kings, dispensed blessings and curses to whole nations. The mediæval hierarchy centering in Rome

re-enacted the Jewish theocracy on a more comprehensive scale. It was a carnal anticipation of the millennial reign of Christ. It took centuries to rear up this imposing structure and centuries to take it down again.

"Church History," vol. iv, pp. 12, 13.

As we begin our search for the Sunday through this deepening darkness, wherein the investigator must grope his way, we find it still associated with a large group of other holidays, which are held in equal sacredness with it. If Sunday seems to be more prominent than these, it is because of its weekly recurrence, while many others were but annual. Remember, too, that the hierarchy of that time assumed to legislate for the people, as God had done for the Israelites; and hence, by the law of analogy, an extreme Judaic strictness was sometimes developed concerning the Sunday and its associate holy days. We shall give the important enactments throughout this period, paying particular attention to the Anglo-Saxon laws, out of which grew the English, and hence our own Sunday laws.

In the development of the Church-and-State idea, during the Roman period, the clergy had been intrusted with much power in hearing and deciding business matters between such as did not wish to go to law before heathen judges. Hence arose the practice of hearing such causes on Sunday The Council of Tarragon, in 516 A. D., ordered as follows:

Let not any bishop or presbyter or any of the inferior clergy hear causes on the Lord's day, etc., . . . but let them be occupied in the performance of the solemnities ordained in honor of God.

"Council of Tarragon," chap. iv, can. xv; Binius, tome x, p. 625.

In 538 A. D., the Third Council of Orleans enacted the following:

Whereas the people are persuaded that they ought not to travel on the Lord's day with the horses, or oxen and carriages, or to prepare anything for food, or to do anything conducive to the cleanliness of houses or men, things which belong to Jewish rather than Christian observances; we have ordained that on the Lord's day what was before lawful to be done may still be done. But from rural work, i. e., plowing, cultivating vines, reaping, mowing, thrashing, clearing away thorns or hedging, we judge it better to abstain, that the people may the more readily come to the churches and have leisure for prayers. If any one be found doing the works forbidden above, let him be punished, not as the civil authorities may direct, but as the ecclesiastical powers may determine.

"Council of Orleans III," can. xxviii; Binius, tome xi, p. 496; or Labbe, ix, p. 19.

In 578 A. D. the Council of Auxerre ordered as follows:

On the Lord's day it is not permitted to yoke oxen or to perform any other work except for appointed reasons.

"Council of Auxerre," can. xvi; Binius, tome xiii, p. 44.

About the same time Pope Gregory I made a similar law at Rome. At a later date—about 850 A. D.—it was repealed by Nicholas I. In 585 A. D. the Second Council of Macon, following the lead of that of Auxerre, enacted as follows. After a prelude, in which it is stated that Christian people treat the Sunday with great contempt, as if it were like other days, and because former warnings remained unheeded, it is ordered:

Keep the Lord's day whereon ye were born anew and freed from all sin. Let no one spend his leisure in litigation; let no one continue the pleading of any cause. Let no one under plea of necessity allow himself to place a yoke on the neck of his cattle. Let all be occupied in mind and body in hymns, and in the praise of God. If any one dwells near a church, let him go thereto, and upon the Lord's day engage with prayers and tears. Let your eyes and hands on that day be lifted up to God. For this is the day of perpetual rest. This is shadowed to us in the seventh day in the law and the prophets. It is right, therefore, that we should all celebrate this day, through which we are made to be what we were not; for we were in sin, but through this we were made righteous. Let us then yield a willing service to the Lord, through whom we know ourselves to have been freed from the bonds of error. Not because our Lord requires it of us that we should celebrate this day by constraint of the body, but he seeks obedience, by which, trampling on earthly things, we may be lifted to heaven through his mercy. If any

one shall disregard this wholesome exhortation, or treat it contemptuously, he shall, in the first place, draw upon himself the wrath of God; and secondly, the unappeasable anger of the clergy. If he be an advocate, let him wholly lose the privilege of pleading the cause; if a countryman or a slave, let him be soundly beaten with whips; if a clerk or a monk, let him be suspended from the society of his brethren for the space of six months. For all these things may we be rendered pleasing unto God.

"Council Macon II," can. ii; Labbe, ix, p. 947; also Binius, tome xiii, pp. 75, 76.

By the next canon of this council the entire paschal season is treated as being equally holy, and ordered to be held in equal reverence. In 813 A. D., under Charlemagne, the Council of Mayence enacted the following:

We decree that all Lord's days shall be observed with all due veneration, and that all servile work shall be abstained from, and that buying and selling may be less likely to happen, there shall be no judicial trials, unless concerning capital crimes.

"Council Mayence," can. xxxvii; Binius, tome xx, p. 357. Also, "Capitularies," lib. v, cap. 88.

In the same year a council at Rheims expressed the same idea as follows:

Upon all Lord's days, according to the precept of the Lord, no servile work whatever ought to be performed; neither should any court be convened, nor

should it be presumed to make any public largess, nor any mercantile transactions.

"Council of Rheims," can. xxxv; Binius, tome xx, p. 368.

In 853 A. D. the Second Council of Soissons, under Charles the Bold, extended the law to many other days.

From Septuagesima till eight days after Easter, and from the coming of our Lord until eight days after Epiphany, during the fasts of the four seasons, on the day of the great litanies, and on rogation days, the trial of causes was forbidden.

In 858 A. D. Pope Nicholas I gave certain instruction to the Burgundians, who had but lately embraced Christianity. He taught them that there were no days on which works of necessity, such as journeying, fighting, etc., might not be performed. He urges that "our hopes do not rest upon the observance of days, but upon the true and living end." But if necessity does not prevent, the leisure of these days ought to be spent in prayer, "and in attending on the mysteries of these great festivals." His orders involved not only Sunday, but the "feasts of the Virgin, the feasts of the Apostles and Evangelists, the birthdays of other saints, and the season of Lent." (Binius, tome xxii, pp. 453, 454, 459; also Labbe, tome ix, p. 1091.)

The emperors of this period sent out officers

from time to time, as fancy or occasion demanded, to enforce laws and reform abuses. These officers were called "*missi dominici*," and their instructions were called "capitularies." Among the penalties prescribed in these were the following: "If one yoke oxen to a cart and drive them, walking beside it, he is to be punished by the loss of the right ox." Performing servile work in general, subjected one to such punishment as the clergy saw fit to impose, and the civil power might be called upon to aid in enforcing these penalties. (See Neale, "Feasts and Fasts," pp. 98, 99, and Labbe, xv, 16.)

In 895 A. D., during the reign of the Emperor Arnulph, the Council of Triburary forbade the holding of courts on Sunday, Saints' days, Lent, and other festivals. (See "Council of Triburary," can. xxxv; Binius, tome xxi, p. 661.)

In 932, under Henry I, a council at Erfurt, in Saxony, designated the seasons named above by the Council of Triburary, and added to them the following, as non-judicial days: "Seven days before Christmas, eight days before Easter, and seven days before the nativity of John the Baptist, and the whole season of Lent, that more time might be allowed for prayers, and for attending the churches." (See "Council at Erfurt," can. ii; Binius, tome xxv, p. 37.)

The entire system of holy days, during the middle ages, rested on a common basis, and their observance was enforced by a common authority,

viz., the commands of the Church. There was great lack of uniformity, both in the character of these requirements and in their enforcement. Rulers, councils, and localities varied from each other and often contradicted each other. The whole scene is one of ignorance, superstition, low moral and spiritual life, darkness, and chaos.

CHAPTER IV.

SAXON LAWS CONCERNING SUNDAY.

It is difficult, and sometimes impossible, to obtain accurate dates in the earlier periods of history. It is equally difficult to secure uniformity in the spelling of proper names, and names of localities during the formative period of a language. Both of these difficulties environ the investigator of early Saxon history. We have consulted only the standard authorities in the preparation of the following, deciding dates and spelling according to the weight of evidence, or of probabilities.

All Sunday legislation is the product of pagan Rome. The Saxon laws were the product of the middle-age legislation of the "Holy Roman Empire." The English laws are an expansion of the Saxon, and the American are a transcript of the English. Our own laws were all inchoate in those which are found below. Besides the authorities cited in full below, the reader is referred to "Ancient Laws and Institutes of England,"

edited by Benjamin Thorpe, and printed by command of William III, in 1840.

Ine became King of Wessex, 688 A. D., and reigned until 725. Law 3 of his is as follows:

If a theowman (slave) work on Sunday by his lord's command, let him be free; and let the lord pay thirty shillings as a fine. But if the theow work without his knowledge, let him suffer in his hide, or in hide-gild (money paid in lieu of corporal punishment). But if a freeman work on that day without his lord's command, let him forfeit his freedom, or sixty shillings; and be a priest doubly liable. (Thorpe, p. 69.)

The following laws of Withread, King of Kentishmen from 690 to 725 A. D., were passed about 696 A. D.:

Law 9. If a slave (esne) do any servile labor, contrary to his lord's command, from sunset on Sunday eve till sunset on Monday eve, let him make a compensation (bot) of eighty shillings to his lord.

Law 10. If an esne so do of his own accord on that day, let him make a "bot" of six to his lord, or his hide.

Law 11. But if a freeman [so do] at the forbidden time, let him be liable to his heals-fang (a fine paid to save himself from the pillory), and the man who detects him, let him have half the fine (wite) and the work. (Thorpe, p. 17.)

Among the laws of the eighth century, is one found in the "Canons of Cuthbert," enacted at Clovis Hoo, November, 747 A. D., in the reign of

Eidelbald, King of the Mercians. It runs as follows:

In the fourteenth place it is ordained that the Lord's day be celebrated by all, with due veneration and wholly separated for divine service. And let all abbots and priests, on that most sacred day, remain in their monasteries and churches, and say solemn mass; and lay aside all external business, and secular meetings, and journeyings, except the cause be invincible; let them by preaching instruct the servants subject to them, from the oracle of the holy Scriptures, the rules of religious conversation, and of good living. It is also decreed that on that day, and the great festivals, the priests of God do often invite the people to meet in the church, and be present at the sacraments of masses and at preaching of sermons.

"Laws and Canons of the Church of England, from its foundation to Henry VIII," by John Johnson, M. A., Vicar of Cranbroke, etc., Oxford, 1850. Vol. i, p. 249.

Alfred held the throne of Wessex from 871 to 901 A. D. The 5th law of his code declares in these words:

He who steals on Sunday, or at Yule, or at Easter, or on Holy Thursday, or on Rogation days, the fine shall be double what it is in the Lenten fast. (Thorpe, p. 29.)

Laws of Edward the Elder, and Guthrum, made after the peace between the Danes and the English, 901 to 924 A. D.

Law 7. If any one engage in Sunday marketing, let him forfeit the chattel, and twelve ores (192 pence), among the Danes, and thirty shillings among the Eng-

lish. If a freeman work on a festival day, let him forfeit his freedom, or pay a fine (wite or lah-slit). Let a theowman suffer in his hide, or hide-gild. If a lord oblige his theow to work on a festival day, let him pay lah-slit within the Danish law, and wite among the English. (Thorpe, p. 73.)

Wite and lah-slit are equivalent to "fine." This law is headed, "Of working on a festival day." Sunday only is designated, but the law seems to include other festivals. The date is uncertain, and may be earlier than as above, possibly as early as 878 A. D.

The laws enacted by the Council of Greatanlea, under Æthelstane about 924 A. D., include the following:

Law 24. And that no marketing be on Sundays; but if any one do so, let him forfeit the goods, and pay thirty shillings as wite. (Thorpe, p. 90.)

In the year 943 A. D., Odo, Archbishop of Canterbury, issued the following appeal:

Canon 9. We admonish that fasting with alms be very carefully observed; for these are the three wings which carry saints to heaven; wherefore endeavor to keep the fast of Lent, of the Four Seasons, and other lawful fasts as of the fourth and sixth days of the week, with great vigilance; and above all, the Lord's day and the Festivals of Saints, ye are to take care that ye observe with all caution from all secular work. Consent to no vain superstitions; nor worship the creature more than

the Creator, with magical illusions; for they who do such things shall not inherit the kingdom of God.

"Laws and Canons of the Church of England, from its foundation to Henry VIII," by John Johnson, M. A., Vicar of Cranbroke, etc. Oxford, 1850. Vol. i, p. 362.

King Edgar reigned from 959 to 975 A. D. Among the ecclesiastical laws of his reign, number 5 is as follows:

And let the festivals of every Sunday be kept from the noon-tide of Saturday till the dawn of Monday, on peril of the wite which the doom-book specifies; and every other mass-day, as it may be commanded; and let every ordained fast be kept with every earnestness; and every Friday's fast, unless it be a festival; and let soul scot (a tax) be paid for every Christian man to the minister to which it is due; and let every church-grith (privilege) stand as it has best stood. (Thorpe, p. 112.)

Among the "Canons of Edgar," we find the following:

18. And we enjoin, that on feast days, heathen songs and devil's games be abstained from.

19. And we enjoin that Sunday trading and folk-motes be abstained from. (Thorpe, p. 397.)

Certain laws are attributed to Ælfric, the "Unknown Archbishop," whose date is also unknown, but is placed from 957 to 1051 A. D. Among these "Canons," number 36 is as follows:

We command you, mass priests, that ye command all the people who look to you, and over whom ye are con-

fessors, that the four first Easter-days be freed from all servile work; because at that tide all the world was freed from the thraldom of the devil. And let Sunday's festival be held from the noon of Saturday until the dawn of Monday. (Thorpe, p. 450.)

Among the Ecclesiastical Institutes of Ælfric, we find the following:

24. Sunday is very solemnly to be reverenced, therefore we command that no man dare on that holy day to apply to any worldly work, unless for the preparing of his meat; except it happen to any one that he must of necessity journey; then he may either ride, or row, or journey by such conveyance as may be suitable to his way, on the condition that he hear his mass, and neglect not his prayers. On Sunday God first created the light, and on that day he sent to the people of Israel, in the desert, heavenly bread; and on that day he rose from death, when he before, with his own will, had suffered death for the salvation of mankind; and on that day he sent the Holy Ghost into his disciples. It is therefore very highly fitting that every Christian man very reverently honor that day. And it is fitting that every Christian man who can accomplish it, come to church on Saturday and bring light with him, and there hear evensong, and before dawn, matins, and in the morning come with their offerings to the celebration of the mass. And when they come thither, let there be no iniquity, nor any strifes, nor any discord heard, but with calm mind at the holy service, let them intercede both for themselves, and for all God's people, both with their prayers, and with their alms; and after the holy service, let each return home, and with his friends and his neighbors, and

with strangers, enjoy ghostly refection, and guard himself against gluttony and drunkenness. (Thorpe, p. 478.)

These Institutes cover many days besides Sunday. Speaking of the Quadragesima period, the forty-first one enacts:

Every Sunday, at this holy tide, people should go to housel, except those men who are excommunicated. So also on Thursday before Easter, and on the Friday, and on Easter eve, and on Easter day, and all the days of Easter week are with like piety to be celebrated. (Thorpe, p. 487.)

Law 13 of the group known as *Liber Constitutiorum*, enacted under Ethelread (978 to 1016 A. D.), reads:

Let Sunday's festival be rightly kept, as is thereto becoming; and let marketings, and folk-motes be carefully abstained from on that holy day. (Thorpe, p. 131.)

Law 22 of the Council of Enham, under the same king, is in these words:

And let festivals and fasts be rightly kept. Let Sunday's festival be rightly kept, as is thereto becoming; and let marketings, and folk-motes, and huntings, and worldly works, be strictly abstained from on that holy day. And let all St. Mary's solemn feast tides be strictly honored, first with fasting, and afterwards with festival; and at the celebration of every apostle let strict fast be held, except that on the festival of St. Philip and St. James we enjoin no fast on account of the Easter festival, unless any one will; else let other

festivals and fasts be strictly observed, so as those observed them who best observed them.

Law 24. And let fasts be kept every Friday, unless it be a festival.

Law 43. And that they lawfully render God's dues every year, and rightly hold festivals and fasts.

Law 44. And that they strictly abstain from Sunday marketings and popular meetings. (Thorpe, pp. 126, 127, 139.

In another group of laws under this sovereign, a fine is ordered if the foregoing laws are broken.

In a group of laws attributed to the priests of Northumbria, of unknown date, but probably belonging to the last half of the tenth century, the 55th reads as follows:

Sunday traffic we forbid everywhere, and every folk-mote, and every work, and every journey, whether in a wain, or on a horse, or as a burthen. (Thorpe, p. 420.)

Canute, King of Denmark, became king of all England in 1017 A. D. He died in 1035. His laws are divided into ecclesiastical and secular. Among the former, law 14 is as follows:

And let all God's dues be diligently furthered, as is needful, and let festivals and fasts be rightly held; and let every Sunday's festival be held from the noon of Saturday till the dawn of Monday, and every other mass-day as it is commanded.

Law 15. And Sunday marketing we also strictly forbid, and every folk-mote, unless it be for great necessity; and let huntings and all other worldly works be strictly abstained from on that holy day.

Law 17. And we forbid ordeals and oaths (lawsuits and court trials) on festival days and ember-days, and from *adventum domini* until the eighth day be passed after the twelfth mass day; and from Septuagesima till fifteen days after Easter. And St. Edward's mass-day the Witan Council have chosen that it shall be celebrated over all England on the fifteenth Kal. April. And St. Dunstan's mass-day on the fourteenth Kal. Junii. And at those holy tides, let there be as it is right, to all Christian men, general peace and concord, and let every dispute be settled. And if any one owe another, "borh" or "bot" for secular matters, let him willingly fulfill it to him, before or after. (Thorpe, p. 157, 158.)

The observance of the fasts was enjoined with no less vigor than the observance of Sunday. We find the following among the "secular" laws of Canute:

Law 47. If a freeman break a lawful fast, let him pay lah-slit among the Danes, and wite among the English, as the deed may be. It is sinful that any one, at a lawful fast-tide, eat before the time, and yet worse that any one defile himself with flesh meat. If a theowman do so, let him pay with his hide, or hide-gild, as the deed may be.

Secular law 45 is as follows:

If it can be helped, no condemned man should be put to death on a Sunday festival, unless he flee or fight; but let him be secured and held till the festival day be passed. If a freeman work on a festival day, then let him make "bot" with his heals fang, and, above all, earnestly make "bot" to God, so as he may be in-

structed. If a theowman work, let him pay with his hide, or hide-gild, according as the deed may be. If a lord compel his theow to work upon a festival day, let him forfeit the theow and be he afterward folk-free; and let the lord pay lah-slit among the Danes, and wite among the English, as the deed may be, or clear himself. (Thorpe, pp. 172, 173.)

The Sunday Laws of Edward the Confessor, made about the year 1056 A. D., took certain days away from the legal vacations which had been ordered by Canute, but added others. The law of Edward is as follows:

Let the protection of God and the Holy Church be throughout the whole kingdom from the Lord's Advent to the octaves of Epiphany, and from Septuagesima till the octaves of Easter, and from the Lord's Ascension till the octaves of Pentecost, and in all the days of Ember-weeks; and every Sabbath from the ninth hour, and through the whole following day till Monday; also on the vigils of Saints Mary, Michael, John Baptist, all the apostles and saints whose festivals are bid by priests on the Lord's days; and All-Saints on the calends of November, perpetually from the ninth hour of the vigils, and during the following festival; also in parishes, where the dedication day, or the day of their proper saint is celebrated; and if any one devoutly go to celebrate a saint, let him have protection in going, staying, and returning, and let all Christians have protection when they go to church to pray, both in going forth and returning. Let them have absolute protection who are going to dedication, to synods, to chapters, whether they are sum-

moned, or go of their own accord upon business. If any one being excommunicated betake himself to the bishop for absolution, let him enjoy the protection of God and Holy Church in going and returning. Let the bishop in his own court prosecute any man who has incurred a forfeiture to him. Yet if any one out of arrogance will not be brought to satisfaction in the bishop's court, let the bishop notify him to the king, and let the king constrain the malefactor to make satisfaction where the forfeiture is due, that is, first to the bishop, then to himself. So there shall be two swords, and one sword shall help the other.

"Ancient Laws and Institutes of England," by Benjamin Thorpe, p. 190. Also, Spelman, vol. i, p. 619.

CHAPTER V.

SUNDAY LAWS IN ENGLAND.

THE early Sunday laws in England were but the expansion of the Saxon laws. When compared with the Saxon laws, they show the successive links by which our Sunday laws have been developed from the original source. They are of great value, beyond their mere historic interest, in showing how the advance of civilization and of Christianity has left the original idea behind.

In 1281 A. D., John Peckham, Archbishop of Canterbury under Edward I, explained the Fourth Commandment to the priests as they were to teach it to the people. That explanation runs as follows:

In the Third, "Remember that thou keep," etc., the Christian worship is enjoined, to which laymen as well as clerks are bound; and here we are to know that the obligation to observe the legal Sabbath, according to the form of the Old Testament, is at an end, together with the other ceremonies in that; to which in the New Testament hath succeeded the custom of spending the Lord's day, and other solemn days appointed by the

authority of the Church, in the worship of God; and the manner of spending these days is not to be taken from the superstition of the Jews, but from the canonical institutes.

"Laws and Canons of the Church of England, from its Foundation to Henry VIII," Johnson, vol. ii, p. 284.

A statute of the 28th of Edward III, enacted in 1354 A. D., reads as follows:

Item, it is accorded and established, that showing of wools shall be made at the staple every day of the week, except the Sunday and solemn feasts of the year.

"The Statutes Relating to the Ecclesiastical and Eleemosynary Institutes of England," by Archibald John Stephens, vol. i, p. 66.

In 1359 A. D., Islep, Archbishop of Canterbury, under Edward III, in view of the state of the kingdom, issued the following:

Whereas, the most excellent prince, our lord, the King of England, is now going to make an expedition in foreign parts with his army for the recovery of his right, exposing himself as a soldier to the doubtful events of war, the issue whereof is in the hand of God; we who have hitherto lived under his protection are, by the divine favor shining on us, admonished to betake ourselves to prayer, as well for the safety of every one of us as for the public good, lest if adverse fortune should invade us (which God forbid), our confusion and reproach should be the greater. But, though it is provided by sanctions of law and canon that all Lord's days

be venerably observed from eve to eve, so that neither markets, negotiations, or courts public or private, ecclesiastical or secular, be kept, or any country work done on these days, that so every faithful man remembering his creation may then, at least, go to his parish church, ask pardon for his offenses, supply his omissions and commissions for the week, honor the divine mysteries, learn and keep the commandments of the Church there expounded, and earnestly pour out prayers to God in the churches that are consecrated from above for places of prayer, not only for themselves, but for every degree of men, whether of secular or ecclesiastical host, laying aside all worldly care; yet we are clearly, to our heart's grief, informed that a detestable, nay, damnable perverseness has prevailed, insomuch that in many places markets not only for victuals, but other negotiations (which can scarce be without frauds and deceits), unlawful meetings of men who neglect their churches, various tumults, and other occasions of evil are committed, revels and drunkenness, and many other dishonest doings are practiced, from whence quarrels and scolds, threats and blows and sometimes murder proceeds on the Lord's days, in contempt of the honor of God; insomuch that the main body of the people flock to these markets, by which the devil's power is increased; and in the holy churches where the God of peace is to be sought and his anger more easily satisfied, the worship of God and the saints ceaseth by reason of the absence of the faithful people, the sacred mysteries are not had in due veneration, and the mutual support of men in praying is withdrawn, to the great decay of reverence toward God and the Church, the grievous peril of souls, and to the manifest scandal and contempt of Christianity; where-

fore we strictly command you, our brother, that ye, without delay, canonically admonish and effectually persuade, in virtue of obedience, or cause to be admonished and persuaded, those of your subjects whom ye find culpable in the premises, that they do wholly abstain from markets, courts, and other unlawful practices above described, on the Lord's days for the future; and that such of them as are come to years of discretion, do go to their parish churches to do, hear, and receive what the duty of the day requires of them; and that ye restrain all whatsoever that transgress and rebel in this respect, both in general and particular, with Church censures according to the canon. And do ye further enjoin your flock subject to you, and cause them to be enjoined, that on the said days, and at other times when they think fit, they do in their prayers at church most devoutly recommend our lord, the king, the noblemen of the kingdom, and all others whatsoever that attend him in the said expedition, and their safety and prosperity, to the Lord Most High, the King of all Kings; and make two customary processions about their churches and church-yards every week for them, and for the peace of the kingdom. And we further command you that ye intimate this our mandate with all possible speed to our fellow-bishops and suffragans of the province of Canterbury, that they may do what is above contained in relation to their subjects. And that the minds of the faithful may the more easily be incited to the doing of the premises, confiding in the mercies of God, and in the merits and prayers of his most holy mother, the Virgin Mary, and of blessed Thomas, the glorious martyr, and of the other saints, we grant by these presents forty days' indulgence to all Christians throughout our prov-

ince, who shall pray in the manner aforesaid, and abstain from the unlawful practices above expressed, so that they confess their sins and truly repent of them. And we do in the Lord exhort you and the rest of our fellow-bishops, that ye grant indulgences out of the treasure of the Church entrusted with you to them that do and observe what is above specified. And do ye before the feast of All-Saints next coming, certify us by your letters patent (containing a copy of these) of the day when ye received these presents, and the manner and form of your executing thereof; and do ye specially enjoin our said brethren, that they do every one in particular take care to certify us of what they have done in like manner.

Dated at Otteford, 19 cal. of September, A. D. 1359, and of our consecration the tenth.

"Laws and Canons of the Church of England from its Foundation to Henry VIII," Johnson, vol. ii, pp. 417–419. Also, "Sir Henry Spelman's Works," Latin, vol. ii, p. 599.

The foregoing appeal and command seem to have been of little avail. Three years later, 1362 A. D., we find the following—Islep's "Constitutions," No. 3—which shows how thoroughly unsabbatic the Sunday was, and how low the plane was on which it stood. Edward III was still on the throne of England and Urban V was in the papal chair:

Simon, by divine permission, Archbishop of Canterbury, primate of all England, legate of the Apostolic see,

to our venerable brother Simon, by the grace of God Bishop of London, health and brotherly charity in the Lord. We learn from the Holy Scripture that vice often appears under the color of virtue. At the first creation of man, God enjoined him to cease from labor on the seventh day only ; but the militant Church in the times of grace has added several other days ; and some of these again, by the toleration of the Church, were taken away for the convenience of men, and the necessity of their laboring ; and yet some local festivals were added to be observed by Catholics in some parts ; and though the custom of festivals was introduced in honor of the saints, yet by the levity of men, what was instituted out of a reverent regard to the elect of God, has been turned to their reproach, by reason that disorderly meetings and negotiations and other unlawful exercises are practiced on such days, and what was intended for devotion is converted to lewdness, forasmuch as the tavern on these days is more frequented than the church, and there is greater abundance of junkets and drunkenness than of tears and prayers ; and men spend their leisure in debauchery and quarrels more than in devotion ; not to omit that covenant servants (without whose labor the commonwealth can not subsist), under a lawful pretense, do abstain from work on holydays (though of their own making), and on the vigils of saints, and yet take no less on that account for their weekly wages, by which the public good is clogged and obstructed; nor do they sabbatize in honor of God, but to the scandal of Him and Holy Church, as if these solemnities were intended for the exercise of profaneness and mischief, which increase in proportion to the number of these days. To prevent superstitions, evil intentions, and frauds of cove-

nant servants, and to lessen the occasion of them, and that the memories of the saints which require a cessation from labor may be had in due veneration, according to the original institution of the Church, with the advice of our brethren, we have thought fit to set down in these presents the feasts on which all people in our province of Canterbury must regularly abstain even from such works as are profitable to the commonwealth, reserving a power to ecclesiastical men and to other great persons, and such as are, in this respect, self-sufficient, of solemnly observing the days of whatever saints they please to honor God in their own churches and chapels. In the first place, the holy Lord's day, beginning at vespers on the Sabbath day, not before, lest we should seem professed Jews ; and let this be observed in feasts that have their vigils ; also the feasts of the Nativity of our Lord, Saints Stephen, John, Innocents, Thomas the Martyr, Circumcision, Epiphany of the Lord, Purification of the Blessed Virgin, Saint Matthias Apostle, Annunciation of the Blessed Virgin, Easter with the three following days, Saint Mark the Evangelist, the Apostles Philip and Jacob, Invention of the Holy Cross, Ascension of the Lord, Pentecost, with the three following days, Corpus Christi, Nativity of St. John Baptist, Apostles Peter and Paul, Translation of St. Thomas, St. Mary Magdalene, St. James Apostle, Assumption of the Blessed Virgin, St. Laurence, St. Bartholomew, Nativity of St. Mary, Exaltation of the Holy Cross, St. Matthew, St. Michael, St. Luke Evangelist, Apostles Simon and Jude, All-Saints, St. Andrew, St. Nicholas, Conception of the Blessed Virgin, St. Thomas Apostle, the solemnity of the dedication of every parish church, and of the saints to whom every parish church is dedicated, and other feasts

enjoined in every diocese by the ordinaries of the places in particular, and of their certain knowledge. We therefore command you that ye notify all and singular the premises, to all our brethren and suffragans, enjoining every one of them that they admonish and effectually persuade the clergy and people subject to them, strictly to observe and with honor to venerate the feasts above rehearsed as they fall in their seasons; and let them reverently go to the parish churches on those days and stay out the conclusion of the masses and other divine offices, praying devoutly and sincerely to God for the salvation of themselves and the rest of the faithful, both quick and dead; that by thus going the circle of the solemnities of the saints, they and other Catholics for whom they pray may deserve the constant intercession of the saints, whose feasts they celebrate, with Almighty God. And let our brethren intimate to their subjects that on the other feasts of the saints they may with impunity proceed in their customary labors. And if they find any hired laborers who presume to cease from working on particular feasts that are not above enjoined, in order to defraud those to whose service they have bound themselves, let them canonically restrain them from such superstitions and cause others to restrain them by ecclesiastical censures. And we command our brethren aforesaid, that every one of them do clearly and distinctly certify us by their letters patent (containing a copy of these presents) what they have done in the premises, before the feast of the Nativity of St. Mary the Virgin, next coming; and do ye also take care to effectually perform all and singular the premises, so far as they concern your cities and diocese, and in the same manner to certify it to us.

Dated at Maghfield, 17 cal. August, A. D. 1362, and of our consecration the thirteenth.

"Laws and Canons of the Church of England, from its Foundation to Henry VIII," Johnson, vol. ii, pp. 425–428. Also, Spelman, "Works," p. 609; also, Wilkins, "Concilia," vol. ii, p. 560.

About the year 1367, John Thorsby, Archbishop of York, gave a similar charge to his subordinates. It runs as follows:

Desiring, therefore, to obviate some errors and abuses so far as we can, which we see to grow rife in the Church: in the first place (according to the example of Christ, who would have his own church be called a house, not of merchandise, but of prayer; and not allowing fraudulent traffic there to be exercised, cast the buyers and sellers out of the temple), we firmly forbid any one to keep a market in the churches, the porches, and cemeteries thereunto belonging, or other holy places of our diocese, on the Lord's day or other festivals, or to presume to traffic or hold any secular pleas therein; and let there be no wrestlings, shootings, or plays which may be the cause or occasion of sin, dissension, hatred, or fighting, therein performed; but let every Catholic come thither to pray, and to implore pardon for his sin.

Johnson, as above, vol. ii, p. 431, and Wilkins, vol. iii, p. 68.

A similar law had been enacted by Edward I (thirteenth ed., statute 2) in 1285 A. D., in which it was ordered, "that from henceforth neither

fairs nor markets be kept in church-yards, for the honor of the Church."

In 1409 A. D., Henry IV ordered the following:

He that playeth at unlawful games on Sundays and other festival days prohibited by the statute, shall be six days imprisoned. (Statute 11.)

The 27th statute of Henry VI, enacted in 1448 A. D., is in these words:

Item, considering the abominable iniquities and offenses done to Almighty God and to his saints, always aiders and singular assisters in our necessities, because of fairs and markets upon their high and principal feasts, as in the feast of the Ascension of our Lord, in the day of Corpus Christi, in the day of Whitsunday, in Trinity Sunday, with other Sundays, and also in the high feast of the Assumption of our Blessed Lady, the day of All Saints, and on Good Friday, accustomably and miserably holden and used in the realm of England: in which principal and festival days for great earthly covetise, the people is more willingly vexed, and in bodily labor foiled, than in other ferial days, as in fastening and making their booths and stalls, bearing and carrying, lifting and placing their wares outward and homeward, as though they did nothing remember the horrible defiling of their souls in buying and selling, with many deceitful lies and false perjury, with drunkenness and strifes, and so specially withdrawing themselves and their servants from divine service; the aforesaid lord the king, by advice and assent of the lords spiritual and temporal and the commons of this realm of England, being in the said Parliament, and by authority of the

same Parliament, hath ordained that all manner of fairs and markets in the said principal feasts and Sundays and Good Fridays, shall clearly cease from all showing of any goods and merchandises (necessary victual only excepted) upon pain of forfeiture of all the goods aforesaid so showed, to the lord of the franchise or liberty where such goods, contrary to this ordinance be or shall be showed (the four Sundays in harvest excepted). Nevertheless of his special grace, by authority aforesaid, granteth to them power which of old time had no day to hold their fair or market, but only upon the festival days aforesaid, to hold by the same authority and strength of his old grant, within three days next before the said feasts, or next after, proclamation first made to the simple common people, upon which day the aforesaid fair shall be holden, always to be certified, without any fine or fee to be taken to the king's use. And they which of old time have, by special grant, sufficient days before the feasts aforesaid, or after, shall in like manner, as aforesaid, hold their fairs and markets the full number of their days, the said festival days and Sundays and Good Fridays excepted.

"Statutes Relating to the Ecclesiastical and Eleemosynary Institutes of England," by Archibald John Stehhens, vol. i, p. 110, *seq.* Also, "Rev. Statutes," 1235–1685 A. D., pp. 347–349, London, 1870.

In 1464 A. D., under Edward IV, an addition was made to the act of Henry VI, of 1448 A. D., declaring that—

Cobblers and cordwainers in the city of London, or within three miles thereof, excepting within the precincts

of St. Martins-le-Grand and the palace at Westminster, were forbidden on any Sunday in the year, or on the feasts of the Nativity or Ascension of our Lord, or on the feast of Corpus Christi, to command or cause to be sold, or place or put on any one's feet or legs, any shoes, hose, or galoches, under the penalty of the forfeiture of the article and a fine of twenty shillings for every offense; a third part to go to the king, a third to the governors of the guild (*mestier*) of cordwains, and the residue to the informer.

Neale, "Feasts and Fasts," p. 124. Also, Statutes of the 4th of Edward IV, chap. vii.

In 1523 this act was repealed by Henry VIII. (15th Henry VIII, chap. ix.)

Injunctions of Edward VI.

On coming to the throne in 1547, Edward VI issued numerous "injunctions" concerning religious matters. Among them the following:

Also, Like as the people be commonly occupied the work-day with bodily labor, for their bodily sustenance, so was the holy day at first beginning, godly instituted and ordained, that the people should that day give themselves wholly to God; and whereas in our time, God is more offended than pleased, more dishonored than honored, upon the holy day, because of idleness, pride, drunkenness, quarreling, and brawling, which are most used in such days; people nevertheless persuading themselves sufficiently to honor God on that day if they hear mass and service, though they understand nothing to their

edifying; therefore all the king's faithful and loving subjects shall from henceforth celebrate and keep their holy day according to God's holy will and pleasure, that is in hearing the Word of God read and taught, in private and public prayers, in acknowledging their offenses to God, and amendment of the same, in reconciling themselves charitably to their neighbors, where displeasure hath been, in oftentimes receiving the communion of the very body and blood of Christ, in visiting the poor and sick, and in using all soberness and godly conversation.

Yet notwithstanding, all parsons, vicars, and curates shall teach and declare unto their parishioners, that they may, with a safe and quiet conscience, in the time of harvest, labor upon the holy and festival days, and save that thing which God hath sent; and if, for any scrupulosity or grudge of conscience, men should superstitiously abstain from working upon those days, that then they should grievously offend and displease God.

Wilkins, "Concilia Magnæ Britanniæ et Hiberniæ," vol. iv, p. 6. Folio, London, 1737.

In 1552, under Edward VI, we find the following, under the title, "An act for the keeping holy days and fasting days." (Statutes of the 5th and 6th of Edward VI, chap. iii):

Forasmuch as at all times men be not so mindful to laud and praise God, so ready to resort and hear God's holy word, and to come to the holy communion and other laudable rites, which are to be observed in every Christian congregation, as their bounden duty doth require; therefore, to call men to remembrance of their duty, and to help their infirmity, it hath been whole-

somely provided, that there should be some certain times and days appointed wherein the Christians should cease from all other kind of labors, and should apply themselves only and wholly unto the aforesaid holy works, properly pertaining unto true religion, that is to hear, to learn, and to remember Almighty God's great benefits, his manifold mercies, his inestimable gracious goodness, so plenteously poured upon all his creatures, and that of his infinite and unspeakable goodness, without any man's desert; and in remembrance hereof, to render unto him most high and hearty thanks with prayers and supplications for the relief of all our daily necessities; and because these be chief and principal works wherein man is commanded to worship God, and to properly pertain unto the first table: therefore, as these works are most commonly, and also may well be called God's service, so the times appointed specially for the same are called holy days; not for the matter and nature either of the time or day, nor for any of the saints' sake, whose memories are had on these days (for so all days and times considered are God's creatures, all of like holiness), but for the nature and condition of those godly and holy works, wherewith only God is to be honored, and the congregation to be edified, whereunto such times and days are sanctified and hallowed; this is to say, separated from all profane use, and dedicated and appointed, not unto any saint or creature, but only unto God and his true worship; neither is it to be thought that there is any certain time or definite number of days prescribed in Holy Scripture, but that the appointment both of the time and also of the number of the days is left, by the authority of God's Word, to the liberty of Christ's Church, to be determined and assigned orderly in every

country, by the discretion of the rulers and ministers thereof, as they shall judge most expedient to the true setting forth of God's glory, and the edification of their people; be it therefore enacted by the king, our sovereign lord, with the assent of the lords spiritual and temporal, and the commons in this present Parliament assembled, and by the authority of the same, that all the days hereafter mentioned, shall be kept and commanded to be kept holy days, and none other; that is to say, all Sundays in the year, the days of the feast of the Circumcision of our Lord Jesus Christ, of the Epiphany, of the Purification of the Blessed Virgin, of Saint Matthie the Apostle, of the Annunciation of the Blessed Virgin, of St. Mark the Evangelist, of St. Philip and Jacob the Apostles, of the Ascension of our Lord Jesus Christ, of the Nativity of St. John the Baptist, of St. Peter the Apostle, of St. James the Apostle, of St. Bartholomew the Apostle, of St. Matthew the Apostle, of St. Michael the Archangel, of St. Luke the Evangelist, of St. Simon and Jude the Apostles, of All Saints; of St. Andrew the Apostle, of St. Thomas the Apostle, of the Nativity of our Lord, of St. Stephen the Martyr, of St. John the Evangelist, of the Holy Innocents, Monday and Tuesday in Easter week, and Monday and Tuesday in Whitsun week; and that none other day shall be kept and commanded to be kept holy day, or to abstain from lawful bodily labor.

II. And it is also enacted by the authority aforesaid, that every even, or day next going before, any of the aforesaid days of the feasts of the Nativity of our Lord, of Easter, of the Ascension of our Lord, Pentecost, and the Purification and Annunciation of the aforesaid Blessed Virgin, of All Saints, and of all the said feasts

of the apostles (other than of St. John the Evangelist, and Philip and Jacob), shall be fasted, and commanded to be kept and observed, and that none other even or day shall be commanded to be fasted.

III. And it is enacted by the authority aforesaid that it shall be lawful to all archbishops and bishops in their dioceses, and to all other having ecclesiastical or spiritual jurisdiction, to inquire of every person that shall offend in the premises, and to punish every such offender by the censures of the Church, and to enjoin him or them such penance as shall be to the spiritual judge by his direction thought meet and convenient.

IV. Provided, always, that this act, or anything therein contained, shall not extend to, abrogate, or take away the abstinence from flesh in Lent, or on Fridays and Saturdays, or any other day which is already appointed so to be kept, by virtue of an act made and provided in the third year of the reign of our sovereign lord the king's majesty that now is, saving only of those evens or days whereof the holy day next following is abrogated by this statute; anything above mentioned to the contrary in any wise notwithstanding.

V. Provided also, and be it enacted by the authority aforesaid, that when and so often as it shall chance any of the said feasts (the evens whereof be by this statute commanded to be observed and kept fasting-day) to fall upon the *Monday*, that then as it hath always heretofore been accustomably used, so hereafter, the *Saturday* then next going before any such feast or holy day, and not the *Sunday*, shall be commanded to be fasted for the even of any such feast or holy day; anything in this statute before mentioned or declared to the contrary in any wise notwithstanding.

VI. Provided always, and it is enacted by the authority aforesaid, that it shall be lawful to every husbandman, laborer, fisherman, and to all and every other person or persons, of what estate, degree, or condition he or they may be, upon the holy days aforesaid; in harvest or at any other time of the year when necessity shall require, to labor, ride, fish, or work, any kind of work, at their free wills and pleasure; anything in this act to the contrary in any wise notwithstanding.

VII. Provided always, and be it enacted by the authority aforesaid, that it shall be lawful to the knights of the right honorable order of the Garter, and to every of them, to keep and celebrate solemnly the feast of their order, commonly called St. George's feast, yearly from henceforth, the 22d, 23d, and 24th days of April, and at such other time and times as yearly shall be thought convenient by the king's highness, his heirs and successors, and the said knights of the said honorable order, or any of them, now being, or hereafter to be; anything in this act heretofore mentioned to the contrary notwithstanding.

"Revised Statutes," from 1235–1685 A. D., pp. 555–557, London, 1870. Also, "British Statutes at Large," vol. ii, p. 425, London, 1786.

The above law was repealed the next year under Queen Mary.

The influence of the Reformation gradually affected legislation concerning Sunday and its associate holidays. Conservatism held sway during the time of Elizabeth. Neale speaks of her reign as follows:

A middle course seems to have been, in all ecclesiastical matters, peculiarly characteristic of the reign of Elizabeth. If circumstances, or conviction, or both, carried her away from the ancient belief, she was not less disinclined to all that approached the views of the Calvinistic reformers; that seed which in due time ripened among us into Puritanism. The act of Edward, by which the number of festivals whereof the observance was enjoined, was so materially curtailed, remained repealed throughout her reign as Mary had left it; and an act passed soon after her accession places the observance of Sundays and other holidays on the same footing. Nor does she appear to have been inclined to enforce upon those days any strict abstinence from labor or secular business. Her injunctions, published in the first year of her reign, repeat the already cited direction of the first of Edward VI, and confine their prohibition against the selling of meat or drink, to the same time as the Cramner's Visitation Articles.

Neale, "Feasts and Fasts," p. 187.

An incident recorded by Wilkins shows that Elizabeth lacked much of adopting the Puritan theory concerning Sunday. One of her subjects, John Seconton Powlter, having "fallen into decay," sought to raise money for the support of his family, by Sunday sports, which from their nature drew large crowds of people. Queen Elizabeth granted him permission as follows:

To have and use some plays and games at or uppon nyne severall Sondaies, for his better relief, comfort, and sustentacion.

These games were archery of different sorts, leaping, wrestling, throwing the sledge, pitching the bar, and other similar sports, which were popular, especially with the ruder people. These games were not to be held in one locality for more than "three severall Sondaies," at a time. This was in 1569. (See Wilkins, "Concilia Magnæ Britanniæ et Hiberniæ," vol. iv, p. 255.)

Previous to this Elizabeth had put forth a list of injunctions, which had an air of regard for Sunday, but which really placed Sunday on the same plane with other Church holidays. The result was, that although the spirit of Puritanism was working rapidly in certain quarters, the practical observance of Sunday was at a low ebb. The following are her injunctions touching Sunday:

Injunction 20. Item, all the queen's faithful and loving subjects shall, from henceforth celebrate and keep their holyday according to God's will and pleasure; that is, in hearing the Word of God read and taught, in private and public prayers, in acknowledging their offenses unto God, and amendment of the same, in reconciling themselves charitably to their neighbors where displeasure hath been, in oftentimes receiving the communion of the very body and blood of Christ, in visiting of the poor and sick, using all soberness and godly conversation. Yet notwithstanding, all parsons, vicars, and curates shall teach and declare unto their parishioners, that they may with a safe and quiet conscience, after their common prayer in the time of harvest, labor upon the holy and festival days, and save that thing which God hath sent;

and if for any scrupulosity or grudge of conscience, men should superstitiously abstain from working upon those days, then they should grievously offend and displease God. . . .

Injunction 33. Item, that no person shall, neglecting their own parish church, resort to any other church in time of common prayer or preaching, except it be by the occasion of some extraordinary sermon in some parish of the same town. . . .

Injunction 46. Item, that in every parish three or four discrete men, which tender God's glory, and his true religion, shall be appointed by the ordinaries diligently to see, that all the parishioners duly resort to their church upon all Sundays and holy days, and there to continue the whole time of the godly service; and all such as shall be found slack and negligent in resorting to the church, having no great or urgent cause of absence, they shall straightly call upon them, and after due admonition if they amend not, they shall denounce them to the ordinary.

Wilkins, "Concilia Magnæ Britanniæ," etc., vol. iv, pp. 184, 186.

The growth of Puritanism, and its effect on the general thought appears in the legislation under Charles I. A law enacted in 1625 runs as follows:

Forasmuch as there is nothing more acceptable to God than the true and sincere service and worship of him according to his holy will, and that the *holy keeping* of the Lord's day is a principal part of the true service of God, which in very many places of this realm hath been, and now is, profaned and neglected by a disorderly

sort of people, in exercising and frequenting bear-baiting, bull-baiting, interludes, common plays, and other unlawful exercises and pastimes upon the Lord's day; and for that many quarrels, bloodsheds, and other great inconveniences have grown by the resort and concourse of people going out of their own parishes to such disorderly and unlawful exercises and pastimes, neglecting divine service, both in their own parishes and elsewhere; be it enacted by the king's most excellent majesty, the lords spiritual and temporal, and the commons, in this present Parliament assembled, and by the authority of the same, that from and after forty days next after the end of this Parliament, there shall be no meetings, assemblies, or concourse of people *out of their own parishes*, on the Lord's day, within this realm of England or any the dominions thereof, for any sports and pastimes, whatsoever; nor any *bear-baiting*, bull-baiting, interludes, common plays, or other unlawful plays and pastimes, used by any person or persons in their own parishes; and that any person or persons offending in the premises, shall forfeit for every offense three shillings four pence, the same to be employed and converted to the use of the poor of the parish where the offense shall be committed; and that any one justice of the peace of the county, or the chief officer or officers of any city, borough, or town corporate, where such offense shall be committed, upon his or their view, or confession of the party, or proof of any one or more witness by oath, which the said justice or chief officer or officers shall by virtue of this act have authority to minister, shall find any person offending in the premises, the said justice or chief officer or officers shall give warrant under his or their hand and seal, to the constables or church-

wardens of the parish or parishes where such offense shall be committed, to levy the said penalty so to be assessed, by way of distress and sale of the goods of every such offender, rendering to the said offender the overplus of the money raised of the said goods so to be sold; and in default of such distress, that the party thus offending be set publicly in the stocks by the space of three hours; and that if any man be sued or impeached for execution of this law, he shall and may plead the general issue, and give the said matter of justification in evidence; provided that no man be impeached by this act except he be called in question within one month next after the said offense committed; provided also, that the ecclesiastical jurisdiction within this realm, or any dominion thereof, by virtue of this act or anything therein contained shall not be abridged, but that the ecclesiastical court may punish the said offenses as if this act had not been made. This act to continue until the end of the first session of the next Parliament, and no longer.

Statutes of Charles I, chap. i. "Revised Statutes," from 1235–1685 A. D., p. 710, London, 1870. Also, "British Statutes at Large," vol. iii, p. 119, London, 1786.

Meanwhile, the Puritan element was rapidly gaining influence, and attempts were made to bring about an observance of Sunday, which was deemed hyper-strict by the majority of the English people. To counteract this tendency, and to cater to the tastes of the people at large, Charles I republished the famous "Book of Sports," which was first published by his father, James I, in 1618. Its appearance at that time had contributed much

to the influences which drove the Pilgrims to Holland, and finally to America. The command of James that it be read in the churches, on specified occasions, was not long complied with and it had fallen out of the public mind somewhat, when Charles I called it up in 1633. The following is the complete official text:

The King's Majesty's Declaration to his Subjects Concerning Lawful Sports to be used.

By the King.

Our dear father of blessed memory in his return from Scotland, coming through Lancashire, found that his subjects were debarred from lawful recreations upon Sundays after evening prayers ended, and upon holy days; and he prudently considered that if these times were taken from them, the meaner sort, who labour hard all the week, should have no recreations at all to refresh their spirits. And after his return he further saw that his loyal subjects in all other parts of the kingdom did suffer in the same kind, though, perhaps, not in the same degree, and did, therefore, in his princely wisdom publish a declaration to his loving subjects concerning lawful sports to be used at such times, which was printed and published by his royal commandment in the year 1618, in the tenor which hereafter followeth.

By the King.

Whereas, upon our return the last year out of Scotland, we did publish our pleasure touching the recreations of our people in those parts under our hand; for some causes us thereunto moving, we have thought good to command these, our directions then given in Lan-

cashire, with a few words thereunto added, and most applicable to those parts of the realms, to be published to all our subjects.

Whereas, we did justly in our progress through Lancashire, rebuke some Puritans and precise people, and took order that the like unlawful carriage should not be used by any of them hereafter in the prohibiting and unlawful punishing of our good people for using their lawful recreations and honest exercises upon Sundays and other holy days after the afternoon sermon or service; we now find that two sorts of people, wherewith the country is much infected (we mean Papists and Puritans), have maliciously traduced and calumniated our just and honorable proceedings, and, therefore, lest our reputation might upon the one side, though innocently, have some aspersion laid upon it, and that upon the other part, our good people in that country be misled by the mistaking and misrepresentation of our meaning—we have therefore thought good hereby to clear and make our pleasure to be manifested to all our good people in those parts.

It is true that at our first entry to this crown and kingdom we were informed, and that too truly, that our county in Lancashire abounded more in popish recusants than any county of England; and hath still continued, to our great regret, with little amendment save that now of late, in our last riding through our said county, we find, both by the report of the judges and of the bishop of the diocese, that there is some amendment now daily beginning, which is no small contentment to us.

The report of this growing amendment among them made us the more sorry, when, with our own ears, we had

heard the general complaint of our people, that they were barred from all lawful recreation and exercise upon the Sunday afternoon after the ending of all divine service, which can not but produce two evils ; the one hindering of the conversion of many, whom their priests will take occasion hereby to vex, persuading them that no honest mirth or recreation is lawful on those days, which can not but breed a great discontent in our people's hearts, especially of such as are peradventure upon the point of turning ; the other inconvenience is, that this prohibition (bareth) the common and meaner sort of people from using such exercises as may make their bodies more able for war, whenever we or our successors shall have occasion to use them ; and in place thereof, set up filthy tipplings and drunkenness, and breeds a number of idle and discontented speeches in their alehouses. For when shall the common people have leave to exercises if not upon Sundays and holy days, seeing they must live by their labor, and win their living in all working days.

Our express pleasure, therefore, is that the laws of our kingdom and canons of our Church be as well observed in that county as in all other places of this our kingdom. And on the other part, that no lawful recreations shall be barred to our good people, which shall not tend to the breach of our aforesaid laws, and canons of our Church, which, to express more particularly our pleasure, is that the bishops and all other inferior clergymen and church-wardens shall for their parts be careful and diligent both to instruct the ignorant, and convince and reform them that are misled in religion, presenting them that will not conform themselves, but obstinately stand out, to our judges and justices; whom we likewise command to put the laws in due execution against them.

Our pleasure, likewise, is that the bishop of the diocese take the like strait order with all the Puritans and precisians within the same, either constraining them to conform themselves, or leave the county, according to the laws of our kingdom, and canon of our Church, and so to strike equally on both hands against the contemners of our authority and adversaries of our Church. And as for our good people's lawful recreation, our pleasure likewise is, that after the end of divine service our good people be not disturbed, letted, or discouraged from any lawful recreation, such as dancing, either men or women, archery for men, leaping, vaulting, or any other such harmless recreation, or from having May games, Whitsonales, and morris dances, and the setting up of May poles and other sports therewith used, so as the same be had in due and convenient time without impediment or neglect of divine service; and that women shall have leave to carry rushes to church for the decorating of it, according to their old custom. But withal we do here account still as prohibited all unlawful games to be used on Sundays, only as bear and bull baitings, interludes, and at all times in the meaner sort of people by law prohibited bowling.

And likewise we bar from the benefit and liberty all such known recusants, either men or women, as will abstain from coming to church or divine service, being therefore unworthy of any lawful recreation after said service, that will not first come to church and serve God. Prohibiting in like sort the said recreations to any that, though conform in religion, are not present in the church at the service of God, before their going to the said recreations.

Our pleasure, likewise is, that they to whom it be-

longeth in office, shall present and punish sharply all such, as in abuse of this our liberty will use their exercises before the end of all divine services for that day. And we likewise straitly command that every person shall resort to his own parish church to hear divine service, and each parish by itself to use the said recreations after divine service. Prohibiting likewise any offensive weapons to be carried or used in the said times of recreations. And our pleasure is that this our declaration shall be published by order from the bishop of the diocese through all the parish churches, and that both our judges of our circuits and our justices of our peace be informed thereof. Given at our mannor of Greenwich, the 24th day of May, in the sixteenth year of our reign in England, France, and Ireland, and of Scotland the 51st.

Now, out of a like pious care for the service of God, and for suppressing of any humors that oppose truth, and for the ease, comfort, and recreation of our well-deserving people, we do ratify and publish this our blessed father's declaration, the rather because of late in some counties of our kingdom we find, that under pretense of taking away abuses there hath been a general forbidding, not only of ordinary meetings, but of the feasts of the dedication of the churches, commonly called "Wakes." Now, our express will and pleasure is, that the feasts with others shall be observed, and that our justices of the peace in their several divisions shall look to it, both that all disorders there may be prevented or punished, and that all neighborhood and freedom with manlike and lawful exercises be used. And we further command the justices of the assizes in their several circuits to see that no man do trouble or molest any of our loyal

and dutiful people in or for their lawful recreations, having first done their duty to God, and continuing in obedience to us and our laws. And of this we command all our judges, justices of the peace, as well within liberties as without, mayors, bailiffs, constables, and other officers, to take notice of and see observed, as they tender our displeasure. And we further will that publication of this our command be made by order from the bishops through all the parish churches of their several dioceses respectively.

Given at our palace of Westminster, the 18th day of October, in the ninth year of our reign. God save the King. (1633 A. D.)

"Concilia Magnæ Britanniæ et Hiberniæ," vol. iv, pp. 483, 484, London, 1737.

The act of the 29th of Charles II, chap. vii, issued in 1676, was the law of the American colonies up to the time of the Revolution, and so became the basis of the American Sunday laws. It runs as follows:

For the better observation and keeping holy the Lord's day, commonly called Sunday: be it enacted by the king's most excellent majesty, and by and with the advice and consent of the lords, spiritual and temporal, and of the commons in this present Parliament assembled, and by the authority of the same, that all the laws enacted and in force concerning the observation of the day, and repairing to the church thereon, be carefully put in execution; and that all and every person and persons whatsoever shall upon every Lord's day apply themselves to the observation of the same, by exercising themselves

thereon in the duties of piety and true religion, publicly and privately; and that no tradesman, artificer, workman, laborer, or other person whatsoever, shall do or exercise any worldly labor or business or work of their *ordinary callings* upon the Lord's day, or any part thereof (works of necessity and charity only excepted), and that every person being of the age of fourteen years or upwards offending in the premises shall, for every such offense, forfeit the sum of five shillings; and that no person or persons whatsoever shall publicly cry, show forth, or expose for sale any wares, merchandise, fruit, herbs, goods, or chattels whatsoever, upon the Lord's day, or any part thereof, upon pain that every person so offending shall forfeit the same goods so cried or showed forth or exposed for sale.

2. And it is further enacted that no drover, horse-courser, wagoner, butcher, higgler—they or any of their servants shall travel or come into his or their inn or lodging upon the Lord's day, or any part thereof, upon pain that each and every such offender shall forfeit twenty shillings for every such offense; and that no person or persons shall use, imploy, or travel upon the Lord's day with any boat, wherry, lighter, or barge, except it be upon extraordinary occasion to be allowed by some justice of the peace of the county, or some head officer, or some justice of the peace of the city, borough, or town corporate, where the fact shall be committed, upon pain that ever person so offending shall forfeit and lose the sum of five shillings for every such offense.

The remainder of section 2 places such cases in the hands of ordinary justices of the peace, orders the confiscation of goods cried or exposed,

and the collection of fines by distraint if needful. In case the offender can not meet the penalties, he shall "be set public in the stocks for the space of two hours."

3. Provided, that nothing in this act contained shall extend to the prohibiting of dressing meats in families, or dressing or selling of meat in inns, cook-shops, victualing houses, for such as otherwise can not be provided, nor to the crying or selling of milk before nine of the clock in the morning, or after four of the clock in the afternoon.

Sec. 4 requires all prosecution to be made within ten days of the offense.

Sec. 5 protects the district in which any one traveling on Sunday may chance to be robbed from being responsible for the amount lost, but requires the people to make diligent effort to apprehend the robber after "hue and cry" has been made, under penalty of forfeiting to the crown the amount which might have been recovered.

Sec. 6. Provided, also, that no person or persons upon the Lord's day shall serve or execute, or cause to be served or executed, any writ, process, warrant, order judgment, or decree (except in case of treason, felony, or breach of the peace), but that the service of every such writ, process, warrant, order, judgment, or decree, shall be void to all intents and purposes whatever; and the person or persons so serving or executing the same shall be as liable to the suit of the party grieved, and to answer damages to him for the doing thereof, as if he or they

had done the same without any writ, process, warrant, order, judgment, or decree at all.

"Revised Statutes of England from 1235–1685 A. D.," pp. 779, 780, London, 1870. Also, "British Statutes at Large," vol. iii, p. 365, London, 1786.

A statute of the 7th of William III, chap. xvii, for Ireland, 1695, forbade general work, and specified many boisterous games, which seem to have been very prevalent. Traveling was also forbidden.

As a whole, the law was Puritanic, and yet contained such "exceptions" as made it easy to do what one might wish.

It is essentially the same as the law of Charles II, of 1676, given above. It restricted the sale of liquor at taverns and gave some additional power to officers. ("Irish Statutes," vol. iii, p. 314; see also p. 286, Dublin, 1765.)

A statute of the 9th of Anne, chap. xxiii, 1710 A. D., virtually repealed all former acts concerning coaches. It was as follows:

And whereas, by an act of Parliament made in the 29th year of the reign of King Charles II, and other acts formerly made for the better observation of the Lord's day, commonly called Sunday, the standing to hire and driving hackney-coaches, and the standing to hire and carrying of chairs, on the Lord's day, are, or may be understood to be, forbidden or restrained; and whereas the said restraint is many times found inconvenient, as well in order to the observation of the day as otherwise:

Be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for any licensed hackney-coachman, or his driver, or any chairman, to ply and stand with their coaches and chairs, and to drive and carry the same, respectively, on the Lord's day, within the limits of the said weekly bills of mortality; the former acts, one or any of them, or any construction thereupon, to the contrary notwithstanding.

"Statutes," etc., vol. iv, p. 476.

A statute of George III, 1781 A. D., entitled, "An act for preventing certain abuses and profanations on the Lord's day, called Sunday" (chap. xlix), was aimed at public meetings held in London on Sunday evening, at which, "under pretense of inquiring into religious doctrines, and explaining texts of the Holy Scripture, debates have frequently been held on the evening of the Lord's day concerning divers texts of Holy Scripture by persons unlearned and incompetent to explain the same, to the corruption of good morals, and to the great encouragement of irreligion and profaneness," etc.

This act forbids any such meeting to which people were admitted for money, or by tickets sold for money. Presiding officers, ticket-venders, etc., were liable to arrest and a fine of fifty pounds. Also the persons advertising such meetings were liable to same fine. ("Statutes," etc., vol. ix, p. 163.)

A statute of George III, A. D. 1794, concerning bakers, aimed to meet the custom of continuing

business by bakers, under plea of necessity and charity.

It forbids bakers to pursue business in London, or within twelve miles thereof, under penalty of ten shillings. The second clause gives the following liberal exception:

> Provided, always, that nothing herein contained shall extend, or be construed to extend, to prohibit the selling of bread, or to prohibit or make liable to the penalties of this act, any master or journeyman baker, or other person, baking meat, puddings, or pies, only, on the Lord's day between the hours of nine of the clock in the forenoon and one of the clock in the afternoon, so as the person requiring the baking thereof shall carry or send the same to and from the place where such meat, pudding, or pies is baked.
>
> "Statutes," etc., vol. xii, p. 547.

In 1821, under George IV, the foregoing law concerning bakers was amended by certain additions, but not materially altered. A little later all acts relative to bakers in and about London were repealed, and a general law was enacted forbidding baking between 9 A. M. and 1 P. M. on Sunday. This, however, granted exceptions in favor of necessary work in sponging and preparing bread for the next day's baking. The first offense under this law was made punishable by a fine of ten shillings, the second by twenty shillings, and the third and all succeeding offenses by forty shillings. In all cases the costs were to be paid by the offender.

Under this general law, the delivery of bread is permitted until half past 1 P. M. ("Statutes of the United Kingdom," vol. viii, p. 364, London, 1822.)

We have thus traced the English laws to a point considerably later than the date of those laws which gave rise to the laws of America. Several enactments relative to the sale of intoxicating drinks have been made from time to time in the British Empire, which do not properly come within the scope of these pages. Neither is it our province to enter into a discussion of the merits of these different enactments; it is rather our aim to present them in such a way that the reader may gain all necessary and definite information concerning what has been and is the prevailing legislation concerning Sunday in England.

CHAPTER VI.

SUNDAY LAWS IN ENGLAND DURING THE PURITAN SUPREMACY.

THE legislation which was peculiarly Puritanic, in England, dates, in general, from 1640 to 1660 A. D. It is of special significance to American readers, since it indicates high-water mark in the tide of influences which developed the character, and gave form to the earlier Sunday legislation in the colonies and the United States. It will be seen that these laws are at once theological treatises and civil enactments. They appear here in chronological order, and will repay careful study, in spite of their length and verbosity:

Forasmuch as the Lord's-day, notwithstanding several good laws heretofore made, hath been not onely greatly prophaned, but divers ungodly Books have been published by the Prelatical Faction, against the morality of that day, and to countenance the prophanation of the same, to the manifest indangering of souls, prejudice of the true Religion, great dishonour of Almighty God, and provocation of his just wrath and indignation against this Land!

The Lords and Commons for remedy thereof, do

Order and Ordain, and be it Ordered and Ordained, That all the Laws Enacted and in force, concerning the observation of the Lord's day, be caefully put in execution; and that all and singular person and persons whatsoever, shall on every Lord's day, apply themselves to the sanctification of the same, by exercising themselves thereon, in the duties of Piety and true Religion, publickly and privately: And that no person or persons whatsoever, shall publickly cry, shew forth, or expose to sale, any Wares, Merchandizes, Fruit, Herbs, Goods or Chattels whatsoever, upon the Lord's day, or any part thereof; upon pain, That every person so offending, shall forfeit the same Goods so cryed, shewed forth, or put to sale: And that no person or persons whatsoever, shall, without reasonable cause for the same, travel, carry burthens, or do any worldly labours, or work whatsoever, upon that day, or any part thereof; upon pain, That every one travelling contrary to the meaning of this Ordinance shall forfeit for every offence, ten shillings of lawful money; and that every person carrying any burthen, or doing any worldly labour or work, contrary to the meaning hereof, shall forfeit five shillings of like money for every such offence.

And be it further Ordained, That no person or persons shall hereafter upon the Lord's day, use, exercise, keep, maintain, or be present at any Wrastlings, Shooting, Bowling, Ringing of Bells for Pleasure or Pastime, Masque, Wake, otherwise called Feasts, Church-Ale, Dancing, Games, Sport or Pastime whatsoever; upon pain, That every person so offending, being above the age of fourteen years, shall lose, and forfeit five shillings for every such offense.

And be it further Ordained, That all and singular

person and persons, that have the care, government, tuition or education of any childe or children, under, or within the age of fourteen years, shall forfeit and lose twelve pence for every of the said offenses that shall be committed by any such childe or children.

And because the prophanation of the Lord's day hath been heretofore greatly occasioned by May-Poles, (a Heathenish vanity, generally abused to superstition and wickedness.) The Lords and Commons do further Order and Ordain, That all and singular May-poles, that are or shall be erected, shall be taken down and removed by the Constables, Borsholders, Tythingmen, petty Constables, and Church wardens of the parishes, and places where the same be: And that no May-Pole shall be hereafter set up, erected, or suffered to be within this Kingdom of England, or Dominion of Wales.

And it is further Ordained, That if any of the said Officers shall neglect to do their Office in the Premises, within one week after notice of this Ordinance, every of them, for such neglect, shall forfeit five shillings of lawfull Moneys; and so from week to week, weekly Five shillings more afterward, till the said May-Pole shall be taken down, and removed.

And that if any Justice of the Peace of the County, or the chief Officer or Officers, or any Justice of the Peace, of, or within any City, Borough or Town-Corporate, where the said offenses shall be committed, upon his or their view, or confession of the party, or proof of any one or more witnesses by Oath (which the said Justice, chief Officer or Officers, is by this Ordinance auhorized to minister) shall find any person offending in the Premises, the said Justice, or chief Officer

or Officers, shall give Warrant under his or their hand and Seal, to the Constables or Churchwardens of the Parish or Parishes where such offense shall be committed, to seize the said Goods, cryed, shewed forth, or put to sale as aforesaid; and to levy the said other Forfeitures or Penalties by way of Distress and Sale of the Goods of every such Offender, rendring to the said Offenders the overplus of the money raised thereby; and in default of such Distress, or in case of insufficiency, or inability of the Offender to pay the said Forfeitures or Penalties, That the party offending be set publiquely in the Stocks by the space of three hours: And all and singular the forfeitures or Penalties aforesaid, shall be imployed and converted to the use of the Poor of the Parish where the said offenses shall be committed, saving onely, that it shall and may be lawfull, to, and for such Justice, mayor, or Head Officer or Officers, out of the said Forfeitures or Penalties, to reward any person or persons that shall inform of any offense against this Ordinance, according to their discretions; so as such reward exceed not the third part of the Forfeiture or Penalties.

And it is further Ordained by the said Lords and Commons, That the King's Declaration concerning observing of Wakes, and use of exercise and recreation upon the Lord's-day; the Book intitled, The Kings Majesty's Declaration to his Subjects, concerning lawful Sports to be used; and all other Books and Pamphlets that have been, or shall be written, Printed, or Published, against the Morality of the fourth Commandment, or of the Lord's day, or to countenance the prophanation thereof, be called in, seized, suppressed, and publiquely burnt by the Justices of Peace, or some or one of them, or

by the chief Officer or Officers aforesaid, in their several limits, or by their warrant or command.

Provided, and be it Declared, That nothing in this Ordinance shall extend to the prohibiting of dressing meat in private Families, or the dressing and sale of Victuals in a moderate way in Inns or Victualling-houses, for the use of such as cannot otherwise be provided for; or to the crying or selling Milk before Nine of the Clock in the Morning, or after four of the Clock in the Afternoon, from the Tenth of September till the Tenth of March; or before Eight of the Clock in the Morning, or after Five of the Clock in the Afternoon, from the Tenth of March till the Tenth of September.

And whereas there is great breach of the Sabbath, by Rogues, Vagabonds, and Beggars, It is further Ordained, That the Lord Mayor of the City of London, and all Justices of the Peace, Constables, Churchwardens, and other Officers and Ministers whatsoever, shall from time to time, cause all Laws against Rogues, and Vagabonds, and Beggars, to be put in due execution; and take order, that all Rogues, Vagabonds, and Beggars do on every Sabbath day repair to some Church or Chapel, and remain there soberly and orderly, during the time of Divine Worship.

And that all and singular Person and Persons that shall do anything in the execution of this Ordinance, shall be protected and saved harmless by the Power and Authority of Parliament.

And be it further Ordained, That this Ordinance be Printed and Published, and read in all Parish Churches and Chappels, before the Sermon in the Morning, on some Lord's-day, before the First of May next, on the

South side of Trent; and before the First of June next on the North side of Trent.

Dated 6 April, 1644.

Scobell's "Acts of Cromwell," pp. 68, 69, part i, London, 1658.

In spite of all efforts by Church and state there was still much disregard for the Sunday, and six years later we find the following more stringent enactments put forth:

For the more effectual executing of all such Laws, Statutes and Ordinances of Parliament, for the due Observation and Sanctification of the Lord's-day, days of publique Humiliation and Thanksgiving and for the further preventing the prophanation thereof, It is Enacted and Declared by this present Parliament, and by the Authority of the same, That all and every High Constable, Petty Constable, Headborough, Churchwarden or Overseer of the Poor or other Officers, or any of the Governors of the Company of Watermen, upon their own view or knowledge of any the offense or offenses committed or done against any Article, Clause, or provision of any the said Laws, Statutes, or Ordinances; and all and every person and persons whatsoever, by Warrant from any Justice of Peace, Mayor, Bayliff or other Head-Officer, are hereby authorized and required to seize and secure all such Wares or Goods cryed, shewed forth or put to sale upon the days and times aforesaid, contrary to this present Act, or any Statute or Ordinance of Parliament, to the end proceedings may be thereupon had, according to the true intent and meaning of this present Act, or any the said Laws, Statutes and Ordinances.

And it is further Enacted, That no Traveller, Waggoner, Butcher, Higler, Drover, their or any of their Servants, shall travel or come into his or their Inn or Lodging, after Twelve of the Clock on any Saturday night; nor shall any person travel from his House, Inn or other place, till after one a clock on Munday morning, without good and urgent cause, not incurred through the neglect or occasion of the person so doing, to be allowed by any Justice of the Peace or Head Officer before whom complaint shall be made, upon pain that every such Traveller, Waggoner, Butcher, Higler, Drover and their Servants, and also every Inn keeper and Alehouse keeper that shall so entertain him or them, shall each of them forfeit Ten shillings for every such offense.

And if any Writ, Warrant or Order (except in case of Treason, Murther, Felony, or breach of the Peace, prophanation of the Lord's-Day, days of Thanksgiving or Humiliation, or suspition of them or either or any of them) shall be from and after the First day of May, in the year One thousand six hundred and fifty, served or executed upon any the aforesaid days, every such execution of such Writ, Warrant or Order upon the said days respectively, shall be, and is hereby declared to be of no effect; and the person or persons that shall serve or execute such Writ, Warrant or Order, or cause the same to be served or executed, shall forfeit and pay to the use of the poor of the parish where such offense shall be committed five pounds, to be levied upon his or their goods and Chattels in maner aforesaid, rendering the overplus.

And it is further Enacted and Declared by the Authority aforesaid, That no person or persons shall use,

imploy or travel upon the Lord's-day, or the said days of Humiliation or Thanksgiving, with any Boat, Wherry, Lighter, Barge, Horse, Coach or Sedan, either in the City of London or elsewhere (except it be to or from some place for the service of God, or upon other extraordinary occasion, to be allowed by the next Justice of Peace to the place where the said fact shall be committed;) upon pain that every such person or persons that shall use such Boat, Wherry, Lighter, Barge, Horse, Coach or Sedan, contrary to the true meaning of this present Act (except it be in the Cases aforesaid) shall for every such Offense forfeit and lose the sum of Ten shillings; and that every Boat-man, Sedan-man, Coachman or other person, that shall so labor or travel in or with any such Boat, Wherry, Lighter, Barge, Sedan, Horse or Coach, shall forfeit for every such offense Five shillings.

And it is further enacted and declared, That every person and persons which upon the said Lord's day, days of Humiliation or Thanksgiving, shall be in any Tavern, Inn, Alehouse, Tobacco-house or Shop or Victualling House (unless he lodge there, or be there upon some lawful or necessary occasion) to be allowed of by such Judge, Justice, or other person who is authorized by this Act to put the same in execution; and every person or persons which upon the said days shall be dancing, prophanely singing, drinking or tipling in any Tavern, Inn, Alehouse, Victualling-house, or Tobacco-house or Shop, or shall harbor or entertain any person or persons so offending; or which shall grinde or cause to be ground in any Mill, any Corn or grain upon any the said days, except in case of necessity, to be allowed by a Justice of the Peace, every such Offender

shall forfeit and pay the sum of ten shillings for every such offense, to be levied as aforesaid.

And for the more vigorous and due execution of the Laws, Statutes and Ordinances aforesaid, and of this present Act, it is hereby further Enacted, That every Justice of the Peace, Head Officer, or Officers of every Town Corporate or place, and every Constable, Headborough, Churchwarden, Overseer of the Poor, and Governors of the Company of Watermen, and other persons authorized as aforesaid, are hereby required and enjoined to make diligent search for the discovering, finding out, apprehending and punishing of all Offenders against this and other Laws, Ordinances and Acts made for the Observation of the Lord's-day, and Days of Publique Fasting and Thanksgiving; And if any the said Justices of Peace, and other Officers aforesaid, upon View or Information of any the said Offenses to be committed, shall be negligent, or refuse to do his duty in putting this or other the said Ordinances, Laws or Acts in execution, ever such Justice of the Peace, and other Head-Officer, upon proof thereof before the Lord Chief Justice of either Bench, or Lord Chief Baron of the Exchequer, or before any Judge or Judges of Assize, by one or more Witnesses, or by view or confession of the party, shall for every such Offense incur the Penalty of Five pounds, and upon refusal of payment thereof, to be levyed upon his Goods or Chattels, by Warrant from the said Lord Chief Justices, or Lord Chief Baron, Judge or Judges of Assize respectively, by distress and sale of the Goods of every such person, returning the overplus; and every High Constable, Petty Constable, Churchwarden and other Officer, shall forfeit and pay for his neglect aforesaid, the sum of Twenty shillings; and for

default of payment thereof, the same to be levyed by Warrant from any Justice of the Peace, directed to the High Constable of the Hundred, or other Officer where the Offense shall be committed, for the levying of the said penalty by way of distress and sale of the Offenders Goods, and returning the overplus as aforesaid; And all other penalties imposed by this Act, for which no way of levying is provided by the said former Laws and Ordinances, shall be levyed by Warrant from any one Justice of Peace, Mayor, Bayliff, or Head Officer, by distress and sale of the Offenders goods; and for want of payment thereof, or such distress to be found, by setting the Offenders in the Stocks or Cage for the space of six hours.

And it is likewise Enacted and Declared, That all Judges, Justices of Assize, and Justices of Peace at their Assizes or Quarter Sessions, shall in their several and respective Circuits and Courts give in charge to the Grand Jury, to enquire of and present all neglects of Justices, Constables, and Other Officers in the due execution of this present Act, and other Laws, Ordinances and Statutes made for the Observation of the Lord's day, and Days of Publique Fasting and Thanksgiving, who are hereby strictly commanded to present the same.

And it is also hereby Enacted, That the Lord Mayor and Aldermen, Sheriffs, and Justices of Peace of the City of London, County of Middlesex, and City of Westminster, and Borough of Southwark, together with the Heads and Governors of the several Inns of Court and Chancery; and all and every Justice of Peace, Mayors, Bayliffs, and other Head Officers, and every of them, are hereby authorized and required to take a speedy and

effectual course, by such means as they shall think most meet within their respective Jurisdictions, to restrain as aforesaid the prophanation of the said days; upon pain that the Lord Mayor, Aldermen, Sheriffs and Justices in London, and Middlesex, and Westminster, Heads of the several Inns or Courts, and Chancery, Justices and other Head-Officers, which shall neglect to do what belongs to their several duties and places therein, shall forfeit the sum of Five pounds, to be levyed in such manner as the fines imposed on Justices of Peace for their neglects, are hereby appointed to be levyed as aforesaid.

And it is Enacted and Declared by the Authority aforesaid, That this Act be forthwith printed and bound up together with all the former Statutes and Ordinances now in force for observation of the Lord's day, Publique Fasting, and Thanksgiving days, and published by the Justice of Peace, or Chief Officer or Officers aforesaid, and read at their next Quarter Sessions after they shall receive the same; and also by them sent unto or left at the several houses of the Ministers of the respective Parishes within their respective limits, who are hereby required and appointed in all the Churches and Chappels within this Commonwealth, publiquely to read or cause to be read, all and every the said Statutes and Ordinances so bound up together, the next Lord's-day after he or they shall receive the same, before the morning Sermon; and that afterward once every year (viz.) upon the first Lord's-day in March, before the morning Sermon, they read or cause to be read likewise this present and the former Acts and Ordinances aforesaid; the due performance whereof the said Justices of Peace and other Head Officers are commanded to inquire after, and certifie the names of the persons

making default in reading and publishing the premises, according to this present Act, to the Speaker of the Parliament, and in the intervals thereof, to the Council of State; and the Justices of Peace at their Quarter Sessions, shall duly cause this Act, together with the said Statutes and ordinances to be openly read.

And it is lastly Enacted, That in any Action brought against any Justice of Peace, Constable, or any other Officer or person acting or doing, or commanding to be acted or done any thing in pursuance of this or any former Law, Act or Ordinance now in force touching or concerning any the Offenses or matters aforesaid, the Defendant in every such Action shall and may plead the General Issue, and give the special matter in Evidence; and upon the Non-Suit of the Plaintiff, or Verdict passing for the Defendant, the party Defendant shall have and recover his and their treble Costs, or at the election of such party, shall have his reparation by the Committee of Parliament for indempnity. And it is hereby Ordained, That all persons whatsoever shall be ayding and assisting to all Justices of Peace, Head-Officers, Constables, and other Officers and persons, in the execution of this or the said former Acts and Ordinances in and concerning the premises.

Passed 19 April, 1650.

Scobell's "Acts of Cromwell," part ii, pp. 119–121.

The foregoing laws continued for a few years, but being inadequate to accomplish what was desired, the effort was renewed in the following laws, which are remarkable for their extent and minuteness as to details. The fall of the Com-

monwealth within three years from the passage of the following enactments broke the Cromwellian supremacy, and put an end to legislation by the Commonwealth:

Forasmuch as God hath appointed one day in Seven to be kept holy unto himself, and that in order thereunto man should abstain from the works of his ordinary calling, and hath intrusted the Magistrate amongst others, to take care thereof within his gates; and whereas it is found by daily experience, that the first day of the week (being the Lord's-day, and since the resurrection of Christ to be acknowledged the Christian Sabbath) is frequently neglected and prophaned to the dishonor of Christ, and Profession of the Gospel; therefore for the better observation of the said Day, and preventing in some measure such Prophanation thereof for the future, be it enacted by his Highness the Lord Protector, and the Parliament of the Commonwealth of England, Scotland and Ireland, and the Dominions thereunto belonging, that whatsoever person or persons within this commonwealth shall be found guilty according to this act, of doing and committing the offenses hereafter mentioned upon the said Lord's-day, that is to say, betwixt twelve of the clock on Saturday night and twelve of the clock Lord's-day night, shall be adjudged, deemed and taken to be guilty of prophaning the Lord's-day; that is to say every person being a waggoner, carrier, butcher, higler, drover, or any of their servants travelling or coming by land or water, into his or their inn, house, or lodging within the times aforesaid; and every inn keeper victualler, or ale-house keeper, who shall lodge and entertain any such waggoner, carrier, butcher, higler, drover or

their servants, coming and travelling as aforesaid; Every person using or employing any Boat, Wherry, Lighter, Barge, Horse, Coach of Sedan or travelling or laboring with any of them upon the day aforesaid (except it be to and from some place for the service of God, or except in case of necessity, to be allowed by some Justice of the Peace); Every person being in any Tavern, Inn, Alehouse, Victualling house, Strongwater house, Tobacco house, Cellar or Shop, (not lodging there, nor upon urgent necessity, to be allowed by a Justice of Peace) or fetching or sending for any wine, ale or beer, tobacco, strongwater, or other strong liquor unnecessarily, and to tipple within any other house or shop; And the keepers or owners of every such houses, cellars or shops, keeping or causing to be kept their doors ordinarily and usually open upon the Day aforesaid; every person dancing or prophanely singing or playing upon musical instruments, or tippling in any such houses, cellars or shops or elsewhere upon the day aforesaid, or harbouring or entertaining the persons so offending; Every person grinding or causing to be ground any corn or grain in any mill, or causing any fulling or other mills to work upon the day aforesaid; And every person working in the washing, whiting, or drying of clothes thread or yarn, or causing such work to be done, upon the day aforesaid; Every person setting up, burning or branding beet, turf or earth, upon the day aforesaid; Every person gathering of rates, loans, taxations, or other payments upon the day aforesaid (except to the use of the poor in the public collections); Every chaundler melting, or causing to be melted, tallow or wax belonging to his calling; and every common brewer and baker, brewing and baking, or causing bread to be

baked, or beer or ale to be brewed upon the day aforesaid; And every butcher killing any cattle, and every butcher, coffermonger, poulterer, herb seller, cord wayner, shoemaker or other persons selling, exposing or offering to sell any their wares or commodities, and the persons buying such wares or commodities, upon the day aforesaid; All taylors and other tradesmen, fitting or going to fit, or carry any wearing apparel or other things; and barbers trimming upon the day aforesaid; All persons keeping, using or being present upon the day aforesaid at any Fairs, Markets, Wakes, Revels, Wrestlings, Shootings, Leaping, Bowling, Ringing of Bells for pleasure, or upon any other occasion (saving for calling people together for the public Worship) Feasts, Church Ale, May-Poles, Gaming, Bear-Baiting, Bull-Baiting, or any other Sports and Pastimes; All persons unnecessarily walking in the Church or Church-Yards, or elsewhere in the time of Public Worship; And all persons vainly and profanely walking, on the day aforesaid; And all persons travelling, carrying Burthens, or doing any worldly labour or work of their ordinary Calling on the day aforesaid, shall be deemed guilty of prophaning the Lord's-day

And it is enacted by the Authority aforesaid, that every person being of the age of fourteen years or upwards, offending in any of the premises, and being convicted thereof by confession, or the view of any Mayor, Head-Officer or Justice of the Peace, or upon the testimony of one or more witnesses upon oath, before any such Mayor, Head Officer or Justice of the Peace in the County, City, Division or place where the offense shall be committed (which oath the said Mayor, Justice of Peace or Head Officer, shall and may administer) shall

for every such offense whereof he shall be so convicted, forfeit the sum of ten shillings; Besides which forfeitures, all and every person and persons selling, exposing, or offering to sell any wares or commodities upon the day aforesaid, and in like manner duly convicted, shall have their wares and commodities so sold, exposed or offered to be sold, seized and disposed of as is by this act appointed.

Provided, and it is hereby enacted and declared, that nothing in this act contained, shall extend to the prohibiting the dressing of meat in private families, or the dressing or sale of victuals in a moderate way in Inns, Victualling-houses, or Cooks' Shops, for the use of such as cannot otherwise be provided for, or to the crying or selling of milk before nine of the clock in the morning or after four of the clock in the afternoon, from the tenth of September, till the tenth of March; or before eight of the clock in the morning, or after five of the clock in the afternoon, from the tenth of March till the tenth of September, yearly, nor to hinder any other works of piety, necessity or mercy, to be allowed by a Justice of Peace.

And whereas many navigable rivers or waters extend themselves into, or are the bounds of more counties than one, by reason whereof some doubts have been raised, whether the Justices of the Peace of any County lying on the one side of such river have any, or how far they may have, jurisdiction or power upon or over the same; be it therefore enacted by the Authority aforesaid, that the Justices of Peace of any such county, or the Constable or other officers of any Parish lying on either side of such river, shall have power, and are hereby authorized and required to put this Act in execution, for the apprehending and punishing of all Water-Men, Barge-

Men or other persons whatsoever, who shall on the said day be found contrary to this Act, travelling, rowing or working in or with any boat, lighter, barge, or other smaller vessel on any part of such river, and the said boats, lighters, barges and other vessels, shall seize and stay, or cause to be seized and stayed, until twelve of the clock of the said night, and until the penalties hereby inflicted on such person or persons as shall be discovered to have offended therein, be duly paid and satisfied to the officer or officers of that town or parish (on either side such river) as shall first discover and attempt the pursuing, seizing or staying thereof.

And it is enacted by the Authority aforesaid, that all elections, swearing and taking of place of Mayors, Sheriffs, Bayliffs, Aldermen, or other officer whatsoever, in any city, borough, town corporate, or any other place within this Commonwealth, that after the first day of August next ensuing, by virtue or color of any Act of Parliament, charter, custom, prescription, or otherwise, should or might fall out to be upon a Lord's day; and all commissions and courts, which by means of any adjournment or other cause; and all returns of writs which shall fall out to be upon any Lord's-day as aforesaid, shall be, and are hereby authorized and required to be kept, had and done, sat upon, and executed upon the next day which shall ensue such Lord's-day; and all Mayors, Recorders, Stewards, Town Clerk, or other officers or persons whatsoever, that have, or after the said first day of August next, shall have power and authority to elect, swear, or give any charge or oath for taking any such place, oath or office, or to keep any courts, shall and may, and are hereby authorized and required to make such elections, give such oath and

charge, and take such oaths, places or offices, or keep such courts as above said, upon the day next ensuing such Lord's-day ; and that all customs, rents, and services due to lords of mannors, which by virtue of any custom, prescription or otherwise, are, or ought to be done, performed, and paid upon any Lord's-day, shall, after the said first day of August next, be done, performed and paid upon the day next following such Lord's day, and shall be as valid and effectual to all intents and purposes whatsoever, as if the same had been done upon the said Lord's-day ; and that all rents, sums of money, covenants and conditions, payable or performable upon any Lord's day, shall and may be paid and performed upon the day next ensuing such Lord's-Day, and that such payment and performance thereof, shall be as good and effectual in the Law, to all intents and purposes, to save all penalties, re-entries or forfeitures whatsoever, as if the same had been made and performed at or upon the day limited or appointed in or by any bond, lease, covenant, indenture, or other deed or agreement whatsoever, any law, usage or custom to the contrary hereof notwithstanding..

And that no Fair, Market, or Proclamation of any Fair or Market shall be had, made or used upon any Lord's-day, but upon the day next ensuing, nor shall any person or persons serve, or caused to be served, any writ, process, warrant, order, judgement or decree (except in causes of treason, felony, breach of the peace, and prophanation of the Lord's-day) upon pain that every person and persons bodies politic and corporate, offending in any the particulars last mentioned, shall forfeit the sum of five pounds to be recovered in name of the Lord Protector, by bill, plaint, writ or action of

debt in any Court of Record, or upon information or indictment before the Justices of the Peace in the open Sessions, who have hereby power to hear and determine the same, and to be disposed; viz. One moyety to the use of His Highness, the Lord Protector, and the other moyety to the use of him or them that will sue or prosecute for the same; and that the service of every such writ, action, process, warrant order, judgment or decree shall be void to all intents and purposes whatsoever.

And whereas many Fairs and Markets are kept upon Saturdays and Mundays, whereby is often occasioned the profanation of the Lord's-day, it is hereby enacted by the Authority aforesaid, that all and every person and persons resorting to sell or buy commodities in any such Fairs and Markets, shall in due time come to and depart from the same, and strictly observe the laws and rules of the Markets, that the observation of the Lord's day may not thereby be violated, upon pain that every person travelling to or from such Fairs or Markets upon the Lord's-day, and duly convicted as aforesaid, before one or more Justices of the Peace, who have hereby power by their own view, confession of the parties, or the oath of one or more witness (which oath they may administer) to hear and determine the same, shall forfeit for every offense the sum of ten shillings.

And to the end this Act may be duly observed and henceforth put in execution, be it enacted by the Authority aforesaid, that all and every Mayor, Head Officers and Justices of Peace within their respective Counties, limits and jurisdictions, are hereby enjoyned and authorized from time to time under their hands and seals, to appoint and require such Churchwardens, Overseers of

the Poor, Constables, and other persons within their several jurisdictions, as they shall think fit, to seize and secure such wares and commodities as shall be sold, exposed, cryed or offered to sale contrary to this Act, upon the day aforesaid, and to search for, discover, secure, apprehend and bring before them or any other Justice of Peace of the County or place where they shall be apprehended, all and every person and persons whom they shall find prophaning and violating, or shall know or be informed to have prophaned and violated the Lord's-day in any of the particulars herein mentioned, or shall have just cause to suspect for the same; which said warrant so received, the said Constables, Tythingmen, Churchwardens, Overseers of the Poor, or either of them to whom the said warrant is or shall be directed, shall make publication of in the said Parish-Church or Chappel fourteen days before execution of the same, and after such publication and end of the said fourteen days, the said Constables, Tythingmen or Overseers of the Poor so authorized, and every of them, are hereby required and authorized to do and perform their duties accordingly, without expecting any particular warrant for the same, upon such pains and penalties as are hereafter in this Act inflicted upon willful neglecters of their duty.

And for the better execution of the powers aforesaid, the Constables, Churchwardens or Overseer of the Poor so authorized, are hereby required and authorized to demand entrance into any dwelling-house or other place whatsoever suspected by them to harbor, entertain or suffer to be any person or persons prophaning the Lord's day; and if such entrance be either willfully delay or refused, all and every person or persons so delaying or

refusing, being convicted thereof (as by this Act is appointed) shall forfeit the sum of twenty shillings.

And all Churchwardens and Overseers of the Poor, and Constables within their several limits, are hereby injoyned and authorized upon their own view and knowledge, as well with warrant as without, to seize, and secure all such wares and commodities, sold, exposed or offered to be sold, and to apprehend, secure and stop all offenders against this law, with their horses and carriages (if any such shall be) and after apprehension, to bring such offenders before any Justice of Peace, to be dealt with according to the directions of this Act unless the offender shall forthwith pay the penalty forfeited by this Act to such officer.

And it is enacted by the Authority aforesaid, that if any children or servants under the age of fourteen years, offending in any of the offenses within this Act mentioned, and thereof convicted before any Mayor, Head-officer, or any one or more Justices of the Peace as aforesaid, the parents, guardians, masters, mistresses or tutors of all such children and servants shall forfeit the sum of one shilling for every such servant or child so offending and thereof convicted as aforesaid, unless such parent, guardian, master, mistress or tutor, shall in the presence of the Churchwardens, Overseers for the Poor, or other officer, or one of them, give or cause to be given unto such child or servant so offending, due correction.

And to the end that no prophane licentious person or persons whatsoever may in the least measure receive encouragement to neglect the performance of Religious and Holy duties on the said day, by colour of any law or laws giving liberty to truly tender consciences; be it enacted by the Authority aforesaid, that all and every

person and persons shall (having no reasonable excuse for their absence, to be allowed by a Justice of Peace of the County where the offense shall be committed) upon every Lord's-day diligently report to some Church or Chappel where the true worship and service of God is exercised, or shall be present at some other convenient Meeting place of Christians, not differing in matters of faith from the publique profession of the nation, as it is expressed in the humble petition and advice of the Parliament to His Highness the Lord Protector, where the Lord's-day shall be duly sanctified, according to the true intent and meaning of this act, upon pain that all and every such person or persons so offending, shall for every such offense, being thereof convicted forfeit the sum of two shillings and six pence.

And it is enacted by the Authority aforesaid, that no person being the minister or publique preacher of or in any Church, Chappel or publique congregation within this Commonwealth, and officiating and doing his duty therein upon any Lord's-day, or at any other times, shall be molested, hindered or disturbed therein by any person whatsoever; and if any person or persons shall after the first day of August next ensuing, maliciously, wilfully, or of purpose molest, let, disturb, disquiet or otherwise trouble any such minister or publique preacher in the doing and performing the duty of their respective places, or in his going to or returning from such place, or make or cause to be made any publique disturbance in any part of the Lord's-day in any of the places aforesaid, it shall, and may be lawful to and for any Churchwarden, Overseer of the Poor, or Constable of the Parish and place where such molestation, disturbance and disquieting shall be, and they are hereby enjoined to appre-

hend all and every person and persons offending therein; or in case of escape before such apprehension, for the Churchwardens, Overseers of the Poor, or Constables of any other Parish or place where such offender shall be found, to apprehend them and every of them, as well without warrant as with warrant, and bring them before the Mayor, or any Justice of the Peace or Head-Officer where any such person or persons shall be apprehended, and if such Mayor, Justice or Head Officer shall find cause upon his own view, confession of the party, or the oath of one or more sufficient witnesses (which oath he shall have hereby power to administer) then he shall commit such person to prison, there to remain without bail or mainprize until the next general Sessions of the Peace to be holden for the County, City or place where the offense shall be committed; and if upon information, presentment or indictment, such person or persons shall at the General Sessions of the Peace (who have hereby power to hear and determine the same by confession or oath of two or more sufficient witnesses) be found guilty for maliciously, wilfully or of purpose molesting, letting, disturbing or otherwise troubling such minister or public preacher, or making any disturbance as aforesaid, every person so convicted, shall forfeit the sum of five pounds, one moyety to the use of His Highness the Lord Protector and the other moyety to him or them that will sue or prosecute for the same; or at the discretion of the said Justices, shall be sent to the House of Correction or Work-house, to be set at hard labour; with such moderate correction, as in the discretion of the said Justices shall be thought fit, for some time, not exceeding six months.

And it is enacted by the Authority aforesaid, that all

persons contriving, printing or publishing any papers, books or pamphlets for allowance of sports and pastimes upon the Lord's-day, or against the morality thereof, shall forfeit the sum of five pounds, or be committed to the House of Correction as aforesaid.

And it is enacted by the Authority aforesaid, that in case any wares, or commodities shall be seized and secured for being sold, exposed, or offered to be sold, contrary to this Act and the offenders therein convicted as aforesaid, all such wares and commodities, or the value thereof, at the discretion of the Mayor, Head Officer or Justice, shall be disposed of to the use of the poor of the parish where such wares shall be first seized, saving that it shall be in the power of such Mayor, Justice of Peace or Head-Officer, out of the same to reward any person that shall inform, or otherwise prosecute any person for the said offense, according to their discretion, so as such reward exceed not the third part of the wares and commodities so seized, and so as no reward be given to any person upon whose oath only the offender shall be convicted; and all sums of money and forfeitures not otherwise disposed of by this Act, shall be employed for the use of the poor of the Parish where the several offenses shall be committed, saving onely that it shall be lawfull to and for any Mayor, Justice of Peace or Head Officer, out of the said forfeitures to reward any such persons that shall inform, or otherwise prosecute any persons for the same, according to their discretion, so as such reward exceed not the third part of the forfeiture, and so as no reward be given to any person upon whose oath onely the offender shall be convicted.

Provided always, that no person or persons shall be impeached or molested for any offense within this Act,

unless he or they be thereof convicted within one month after the offense committed.

And it is enacted by the Authority aforesaid, that all Mayors, Justices of the Peace, Head Officers, the Governors of Inns of Court and Chancery, all masters and Governors of schools, and families and the governors of the Company of Water-men for the river of Thames (who for the purposes in this Act mentioned shall have the power of Constables upon the said river, and upon any keys, wharfs or banks thereof) and all other officers and persons herein concerned, are hereby enjoyned and authorized within their several limits and jurisdictions, to see this Act put in due and speedy execution, upon pain that all and every person and persons neglecting to do his and their respective duties, in putting this Act in due and speedy execution, being thereof duly convicted by bill, plaint, writ or action of debt, in any Court of Record, or upon presentment, information or indictment before any Justices of the Peace in their open Sessions (who have hereby power to hear and determine the same) shall forfeit the sum of five pounds; one moyety whereof shall be to the use of His Highness the Lord Protector, and the other moyety to him or them that will prosecute for the same.

And it is hereby enacted by the Authority aforesaid, that no writ of Certiorari shall be granted or allowed for the removing any action, suit presentment, information, indictment, or any other proceedings against any person for offending against this law; and that in any action brought against any Justice of Peace, Churchwardens, Overseers of the Poor, Constables, or any other officers or persons whatsoever, for acting or doing, or commanding to be acted or done, any matter or thing in pursu-

ance of this Act, or for being aiding or assisting thereunto, the defendant in every such action shall and may plead the general issue, and give the special matter in evidence, and upon Non suit of the Plaintiff, or verdict passing for the Defendant, the Defendant shall have and recover his and their treble costs.

And it is lastly enacted, that the Churchwardens or other officers of every parish within this Commonwealth, do at the charge of the Parish procure one or more of these acts to be safely kept in their respective parishes; and the ministers of each Parish are hereby enjoyned in every year, that is to say, upon the first Lord's-day in March yearly, immediately before the morning sermon to read, or cause to be read, this present Act.

Provided, that this act shall not extend to authorize or impower any constables or officer, without the special warrant of one or more Justice or Justices of the Peace, to enter, or demand entrance into any house upon pretence of execution of his or their office by virtue of this act, other than into taverns, inns, ale-houses, tobacco shops, victualling-houses, or tippling-houses, anything in this Act to the contrary notwithstanding.

Enacted by the Parliament commencing 17 Sept., 1656. Scobell's "Acts of Cromwell," pp. 438–443.

Sunday in the "Directory."

The "Directory for Public Prayers, Reading of the Holy Scriptures," etc., which was adopted by the Puritan Parliament in 1644, speaks of the sanctification of the Lord's day, as follows:

The Lord's day ought to be so remembered beforehand, as that all worldly business of our ordinary callings may be so ordered, and so timely and seasonably laid aside, as they may not be impediments to the due sanctifying of the day when it comes.

The whole day is to be celebrated as holy to the Lord, both in public and in private, as being the Christian Sabbath, to which ends it is requisite that there be a holy cessation or resting all the day, from all unnecessary labor, and an abstaining not only from all sports and pastimes, but also from all worldly words and thoughts.

That the diet on that day be so ordered as that neither servants be unnecessarily detained from the public worship of God, nor any other persons hindered from sanctifying that day.

That there be private preparation of every person and family by prayer for themselves, for God's assistance of the minister, and for a blessing upon the ministry, and by such other holy exercises as may further dispose them to a more comfortable communion with God in his public ordinances.

That all the people meet so timely for public worship that the whole congregation may be present at the beginning, and with one heart solemnly join together in all parts of the public worship, and not depart till after the blessing.

That what time is vacant, between or after the solemn meetings of the congregation in public, be spent in reading, meditation, repetition of services (especially by calling their families to an account of what they have heard and catechising of them), holy conferences, prayer for a blessing upon the public ordinances, singing of Psalms, visiting the sick, relieving the poor, and such like duties

of piety, charity, and mercy, accounting the Sabbath a delight.

Scobell's "Acts of Cromwell," p. 86.

From such a Directory sprung the forms of Sunday observance, which prevailed in New England in the earlier times.

CHAPTER VII.

EARLY SUNDAY LAWS OF SCOTLAND; LAW OF HOLLAND; EARLY SUNDAY IN IRELAND AND WALES.

THE following is a complete list of the Sunday laws enacted in Scotland between 1424 and 1672 A. D. They cover the period of transition from the cultus of Romanism to that of Protestantism. Popery was legally abolished in Scotland in 1560, and Presbyterianism was established in 1690. An examination of the Acts of the Kirk shows that the Sunday laws were but lightly esteemed. It shows also that the civil legislation was prompted by the religious sentiment, and that the laws embodied the theories of the leaders in the Church, although they were little regarded by the people. We add certain utterances of the Assembly that the reader may compare them with the civil laws. The text of the earlier laws has been modernized, without departing wholly from the original arrangement of the sentences. The original contains many words which are unintelligible to the reader of to-day:

The following laws are from a volume entitled "Laws and Acts of Parliament, etc., of Scotland." Edinburgh, 1681:

Item. That all men train themselves to be archers, from they be twelve years of age, and that in each ten pounds' worth of land there be made bow marks, and specially near to parish churches, wherein upon holy days men may come, and at the least shoot thrice about, and have usage of archery, and whosoever use not the said archery, the lord of the land shall raise of him a wedder (a sheep); and if the lord raise not the said pain, the King's sheriff or his ministers shall raise it to the King.

"First Parliament of King James I," 1424 A. D., law 18.

Item. Because of keeping of holy days and divine service, which are greatly broken, and namely, in the collection of customs and annual rents, in-casting and out-casting of tenants, which cause great dissension, and causes ofttimes great gatherings and discord upon solemn days of Whit-Sunday and Martin-mas; for the eschewing of the which, it is thought expedient in this present Parliament, that the said collecting of customs and annual rents, in-casting and out-casting of tenants, be deferred to the third day after Whit-Sunday and Martin-mas, without prejudice of any persons, and in likewise there be no fairs holden on holy days, but on the morning after.

"Fifth Parliament of King James III," 1469 A. D., chap. xxxv.

Item. It is enacted and ordained that there be no markets nor fairs holden upon holy days, nor yet within

churches, nor church-yards, upon holy days, nor other days, upon the pain of forfeiture of the goods.

"Sixth Parliament of King James IV," 1503 A. D., chap. lxxxiii.

Item. For inasmuch as it is enacted and ordained by a good and godly Act, made in the days of King James IV, our Sovereign Lord's grandfather, of worthy memory, that there be no markets nor fairs holden upon holy days, nor yet within churches or church-yards upon holy days or other days, under pain of forfeiting of the goods; which Act our Sovereign Lord and his three estates ratifies and approves and ordains the same to have effect and execution in time coming. And seeing that the Sabbath day is now commonly violated and broken, as well within burghs as in the country, to the great dishonor of God, by holding and keeping of the said markets and fairs on Sabbath days, using of hand-labor, and working thereon, as on the remaining days of the week, and by gaming and playing, passing to taverns and alehouses, and the wilfull remaining from their parish church in time of sermon or prayers on the Sabbath; *Therefore*, his Majesty, and his three estates, in this present Parliament enact and ordain, that there be no markets nor fairs holden upon the Sabbath day, nor yet within churches or church-yards, that day or any other day, under the pain of forfeiture of the goods to the use of the poor within the parish. And likewise, that no hand-laboring, nor working be used on the Sabbath day, nor no gaming and playing, passing to taverns and alehouses, or selling of meat or drink, or wilfull remaining from their parish church in the times of sermon or prayers on the Sabbath day be used, under the pains following:

that is to say, of every person, for the hand-laboring and working, commonly used by the poorest sort, ten shillings, and for gaming, playing, passing to taverns and ale-houses, selling of meat and drink, and wilfull remaining from their parish church in time of sermon or prayers on the Sabbath day, of every person twenty shillings, to be applied to the help and relief of the poor of the parish. And in case of the refusal, or inability of any person offending in the premises, to pay the said pains respectively, presently, and promptly, upon their apprehension or conviction, after lawful trial, he or she shall be put and holden in the stocks, or such other engine devised for public punishment, for the space of twenty-four hours. And for execution hereof, the King's Majesty's commission of Justice shall be granted to some person in every parish, best fitted and able to perform the same, at the request of the minister.

"Sixth Parliament of King James VI," 1579 A. D., chap. lxx.

Our Sovereign Lord and estates of this present Parliament decree and declare that it shall be allowed to all towns and parishes to landward, where markets of before were kept and holden upon the Sabbath day (being now prohibited by the law of God, and the laws of this Realm, so to continue), to elect and choose any other day in the week, for holding the said markets, within the said towns, and at landward churches, where they were accustomed to have markets of before (not being the market-day of the next burgh); and there to buy and sell food, and such other commodities as were used upon the Sabbath day, without stop or impediment; always without prejudice of the right and liberty of his High-

ness's free boroughs. And that letters be directed thereupon, if need be, in form as aforesaid.

"Twelfth Parliament of King James VI," 1592 A. D., chap. cxxii.

Our Sovereign Lord, with the advice of the estates of this present Parliament, ratifies and approves the Acts made concerning the discharging of fairs and markets, holden on the Sabbath days; and because the same Acts, in many respects, are in no way observed in landward; *Therefore*, his Majesty, with the advice aforesaid, expressly commands and charges all Sheriffs, Stewards, Bailies, Provosts, and Bailies of boroughs, and all others whom it shall please every particular Presbytery to nominate, within their own bounds, to that effect, to discharge, remove, and put away all fairs and markets, holden on Sabbath days, as they will answer to his Majesty; and in case they be found negligent, ordains letters of horning upon a simple charge of ten days to be directed, to charge them thereto, at the instance of the said Presbytery.

"Thirteenth Parliament of James VI," 1593 A. D., chap. clix.

Our Sovereign Lord, understanding that by an act and ordinance made concerning observance of the Sabbath day, within this realm, the market-day of the burgh of Forfare, being the head burgh of the Shire, which was Sunday, is taken from them; and his Highness not willing that they in any way should be prejudiced hereby; Therefore, his Highness, with advice of the estates of this present Parliament, alters and changes their said market-day from Sunday to Friday, and wills the same Friday weekly to be their market-day to them

in all times hereafter; and the same to stand with the like privileges and freedom as the Sunday did of before.

"Thirteenth Parliament of James VI." 1593 A. D., chap. cxcii.

Item. Our Sovereign Lord and estates of this present Parliament ratify and approve the Acts made by his Highness of before, concerning the discharging of holding of markets upon the Sabbath day, with this addition: That whosoever profanes the Sabbath day by selling, or presenting, or offering to be sold upon the said day, any goods or gear, or whatsoever merchandise by themselves or any other in their name, and is three several times lawfully convicted thereof, either before the provost and bailies within the burgh, where the profanation shall happen to be committed, or before certain commissioners and justices in every Presbytery, to be appointed by the King's Majesty, with advice of his privy council, their whole goods and gear shall be forfeited to his Majesty's use, and their persons punished at the will of his Majesty, with advice of his secret council.

"Fourteenth Parliament of James VI," 1594 A. D., chap. cxcviii.

The King's Majesty, considering how much it concerns the honor of God that the Sabbath day be duly observed, and all abuses thereof restrained, and that notwithstanding of several Acts of Parliament, made in that behalf, particularly the third Act of the Sixth Parliament of King James VI. of blessed memory, the said day has been much profaned by salmon-fishing, running of salt-pans, mills, and kilns, hiring of shearers, and using of merchandise on that day, and other ways,

Therefore, our Sovereign Lord, with advice and consent of his estates of Parliament, ratifies and approves all former Acts of Parliament, made for observation of the Sabbath day, and against the breakers thereof; and by these presents inhibits and discharges all salmon-fishing, running of salt-pans, mills, and kilns, all hiring of shearers, carrying of loads, keeping of markets, or using any sorts of merchandise on the said day, and all other profanation thereof whatsoever, under the pains and penalties following, viz.: The sum of twenty pounds Scots for the running of each salt-pan, mill, or kiln on the said day, to be paid by the heritors and possessors thereof, and the sum of ten pounds for each shearer and fisher of salmon, on the said day, the one half thereof to be paid by the hirers and conductors, and the other half by the persons hired; and the said sum of ten pounds for every other profanation of the said day; and which fines and penalties are to be uplifted and disposed of, in manner contained in the Act and instructions concerning the justices of peace; and if the party offending be not able to pay the penalties aforesaid, then to be exemplarily punished in his body, according to the merit of his fault.

"The First Parliament of Charles II," 1661 A. D., chap. xviii.

In 1870 the Dundee High Court decided that the foregoing law of 1661 was still in force.

Our Sovereign Lord considering that there is much occasion given for profanation of the Lord's day in the royal burghs, by keeping their weekly markets on Monday and Saturday, and that the same may be as conveniently

kept on other days of the week, doth therefore, with advice and consent of his estates in Parliament, inhibit and discharge all the royal burghs from keeping any market in time coming, upon Monday or Saturday, under the pain of one hundred marks, to be paid by each of the Royal Burghs for every contravention respective; and allows them to change and keep their markets on other days of the week as they have done formerly, since the year one thousand six hundred and forty-four, and that they make timely intimation of the change to the next adjacent burghs. It being always declared that this Act is not to be extended against fleshers in royal burghs, who may keep market of fleshes in their respective burghs upon these days, this Act notwithstanding.

"The Third Session of the First Parliament of Charles II," 1663 A. D., chap. xix.

At the second session of the Second Parliament of Charles II, on the 11th of September, 1672, a general law was passed against "all violations of the law of God, and the laws of this kingdom." This law included "drunkenness, uncleanness, profanation of the Lord's day, mocking or the reproaching of religion and the exercises thereof." It orders the execution of all previous acts against these different forms of wrong-doing. It gives additional power to the officers of the Church for the punishment of offenders. It also makes provision for imposing, collecting, and distributing heavy fines; it is, in a word, a general revival of all civil laws against the violators of the ten commandments. He who is curious to analyze

the laws just given will be able to note the progress from the early Romish ideas of Sunday, as a holiday, wherein religious services and sports were combined by law, to the excessive Puritan idea, wherein Sunday was rigidly observed after the strictest Jewish interpretation of the Fourth Commandment. Covering, as they do, a period of about two hundred and fifty years, these laws are at once a commentary, and a history of the development of the Sabbatic ideas of the Scotch people. In modern times the Sunday has been more highly respected in Scotland than in England, and the moral influence of the Church in its favor has been stronger; but the observance of the day has been attended with greater formality and superstition. In common with the rest of Europe, this tendency is constantly declining, and the Scotch Sunday of other days is already among the things of the past. The following are the acts of the Assembly of the Kirk, referred to at the opening of this chapter.

At a session of the Assembly, held August 12, 1590 A. D., the following record was made:

According to the direction of the Kirk, for restraining of the merchants, and profanation of the Sabbath day, within Edinburgh, by running of their mills, receiving of loads within their gates, selling of flour and produce, and such other violation of the said day; the Bailies of the said Burgh having direction from the Council, let it be declared that the mind of the Council is, notwithstanding whatsoever difficulties, to do what may lie

in their power for removing thereof, that all the rest of the Burghs shall take no slander by them.

"Acts and Proceedings of the Kirk of Scotland," vol. ii, pp. 776, 777, quarto, Edinburgh, 1840.

The General Assembly, in 1602 A. D., put forth the following:

The Assembly, considering that the convocations of the people, especially on the Sabbath day, are very rare in many places, especially by distraction of labor, not only in harvest and seed time, but also every Sabbath, by fishing, both of white fish and of salmon fishing, and by the running of mills; the Assembly puts an end to, and prohibits, all such labor of fishing, white fish as well as salmon, and the running of mills of all sorts, upon the Sabbath day, under pain of incurring the censure of the Kirk; and it ordains the commissioners of this present Assembly to signify the same to his Majesty, and to desire that a pecuniary penalty may be enjoined upon those who disregard this present Act.

Ibid., vol. iii, p. 996, Edinburgh, 1845.

Scotch legislation did not stop with Sunday. In 1693 and 1695 Parliament passed severe laws enforcing the observance of legal fast-days. The penalties attached were greater than those for violation of Sunday. These laws are still in force. (See "Laws and Regulations of the Church of Scotland, from 1560 to 1850 A. D.," p. 336, Aberdeen, 1853.)

The formal union of Scotland and England took place in 1707, and there is no demand for

tracing the Sunday legislation of the two countries separately, further than is done in this chapter.

Sunday Law in Holland.

We are indebted to the kindness of the translator named below for the ability to place the present Sunday law of Holland before our readers. Since this translation was made, an agitation has arisen concerning the revision of the following law which has been on the statutes—mainly a "dead letter"—for more than seventy years:

(Translated from the Dutch, by Rev. G. Velthuysen, Haarlem, Holland.)

A Copy of the Law, containing precepts for the celebration of the days of the public Christian Religions, enacted, March 1, 1815. No. 18.

We William, by the grace of God, King of the Netherlands, etc., etc., etc.

To all who will read and hear this. Salute!

Whereas, we have taken into consideration the necessity to assure, after the example of our pious forefathers, who always put the highest value on it—the dutiful observation of the Lord's day, and of other days, consecrated to the public Christian worship, by means that are unanimous and of general effect through the whole extent of the United Netherlands;

So it is, that we, having heard the Council of State, and in common deliberation with the States General of these countries, did approve and understand, as we do approve and understand by the following:

I. That on Sunday and such religious feast-days, as by the communities of the Christian faith of those countries generally are acknowledged and celebrated, not only all kind of business or trade, such as divine service might be disturbed by, shall be prohibited, but that generally no public labor will be tolerated, save in case of necessity; in which case the local magistrate has to give a written consent.

II. That on these days it will be not allowed to expose for sale or to sell in markets, streets, or public squares, any merchandises, whatever, except small eating-wares; and that merchants and storekeepers are neither permitted to exhibit these wares, nor to sell with open doors.

III. That during the time destined for public service, the doors of the inns and other places where drinks are sold, as far as those places are lying within the compass of the buildings, are to be closed; and that also during the same time it will be not allowed to play at kolf, to toss the ball, or such kind of plays.

IV. That on the Sundays and general feast-days no public divertisements, such as theatres, public balls, concerts, or horse-races, will be tolerated; however, to the local government it will be left to make exception, but never before the full close of all divine services.

V. That the local police has to take care, in order to prevent or to cause to be ceased all disturbing movement and noise in the neighborhood of the buildings destined for public worship; and generally all that would disturb divine service.

VI. That the transgressors against the decrees of this resolution shall be punished, in proportion to persons and circumstances, by a fine of not more than

twenty-five guilder or, for the transgressors who are unable to pay this fine, by an imprisonment of not longer than *three days.*

VII. That in case of a second transgression the fine or the imprisonment shall be doubled, and further, all the goods that have been laid down or exhibited for sale will be confiscated, and the inns and other public localities must be closed during a month.

And that by these general ordinances all provincial or local regulations or institutions are to be considered as abolished.

Ordering and commanding that this law will be inserted in the Paper of State, and that a sufficient number of copies must be printed and—according to Art. 56th of the Fundamental Law—sent for execution to the different Provinces or Districts, under obligation to make them public everywhere and to stick them on, as well as to cause them to be proclaimed in the pulpits of the different Christian communities.

Ordering and commanding further that our ministerial departments and other authorities, justices and officers, whom it concerns, have to maintain the strict observance, without any connivance or dissimulation.

Given at The Hague, March 1st of the year 1815, the second of Our Reign.

[Signed] WILLIAM.

By order of His Royal Highness.

[Signed] A. K. FALCK.

SUNDAY IN IRELAND.

Ireland had no civil Sunday laws previous to its union with England, But sun-worship and

the Sunday festival were both well known to the paganism of ancient Ireland. This fact is significant, showing as it does the character of the influences which corrupted early Christianity, and exalted the pagan festival of the sun over the Sabbath of Jehovah. Ireland was colonized from Asia, probably by way of Phœnecia. This brought the Oriental sun-worship cult westward, and caused it to appear in the earliest history of Ireland. D'Alton says:

> The cromlechs, the upright pillars, the circular temples of stone, the round towers, the sacred fire, the holy groves, the venerated fountains, which were dedicated to sun-worship, still remain.
>
> "Essay on the History, Religion, Learning, etc., of Ireland," by John D'Alton, Esq., M. R. I. A., p. 87; also, pp. 79–95. Dublin, 1830. See also "Diodorus Siculus," tome i, pp. 158, 159.

Sun-worship continued until the time of St. Patrick, who, in his "Confessions," condemns it in the following words. Speaking of the time when the true worshipers of Christ should be resurrected, he says:

> But all who adore him (the sun) shall unhappily fall into eternal punishment.
>
> Ware's "History and Antiquities of Ireland," vol. ii, p. 122, Dublin, 1764.

The ancient pagan week in Ireland was identical, in the order and names of the days, with the

week as now existing, and as known throughout history and the world. (See Ware, as above, p. 123.)

The ancient Caledonians, neighbors and kindred to the Irish, were sun-worshipers, and many remnants of the sun-worship cult are found in the Scotch and Irish superstitions of the present time. The festival of *Bal-tien* day, celebrated on the 1st of March, in honor of the returning summer sun, is a notable example of this. The name itself is from the Oriental Baal—the sun-god. There are traces of the custom of human sacrifices by fire in the sports of the modern boys of Scotland on that day. (See Wakefield's "Ireland," vol. ii, p. 748, note, London, 1812).

The laws of the ancient pagan kings of Ireland were collected 438–441 A. D., under the title of *Senchus Mor*. They contain no legislation concerning Sunday, but certain facts appear which show that the Sunday was a prominent festival before the introduction of Christianity. There was a system of fosterage by which certain youths were trained for service in the state for possible or actual chieftainship. A general (*Cain*) law required that such wards of the state should have better clothing and better food on Sundays than on other days. On ordinary days they had milk with their bread, on Sunday, butter. Grades of clothing, each better than the other, were ordered for week days, Sundays, and "the festival." This provision was for these "foster children" and for

the sons of chiefs of certain ranks. It is difficult to decide what is meant by "the festival." It was evidently a higher day than the Sunday of each week, probably it was the May-day festival of *Bal-tien* in honor of the return of the summer sun.

The jolly festival character of the pagan Sunday in Ireland is further shown by the following schedule of the duties of an Irish king for the week:

Sunday, for drinking ale, for he is not a lawful chief who does not distribute ale on Sunday.

Monday, for judgment, for the adjusting of the people.

Tuesday, at chess.

Wednesday, seeing greyhounds coursing.

Thursday, at marriage duties.

Friday, at horse-racing.

Saturday, at giving judgment.

"Ancient Laws of Ireland," vol. iv, p. 335, London, 1869. For other facts referred to above, see vol. ii, pp. 149 and 177, and vol. iii, p. 41

English law was first introduced in Ireland by Henry II, in the twelfth century, but it was little obeyed until after Henry VIII, in the sixteenth century. The old pagan (*Brehon*) laws obtained, in many instances, until after the final overthrow of the chiefs, under Elizabeth, and until Ireland was taken under the direct control of England, under James I. Since that time the Sunday laws of Ireland and England are essentially the same.

Sunday in Wales.

There is no trace of direct Sunday legislation in Wales previous to its union with England in 1282 A. D. The history of Welsh jurisprudence previous to that time, shows that both Sunday and Monday were *dies non.* This probably arose from the veneration of the sun and moon. So far as one can learn from the history of Welsh legislation, these days stood upon the same footing. References showing this fact may be found in a folio volume entitled "Ancient Laws of Wales," which was compiled somewhere between 1614 and 1643 A. D., pp. 422, 452, 453, 572, and 719, London, 1841.

CHAPTER VIII.

SUNDAY LEGISLATION IN AMERICA — COLONIAL PERIOD.

ABOUT the beginning of the seventeenth century, certain dissenters fled from England to Holland. Failing to succeed in propagating their views among the Hollanders, and finding their own purity on the decline, they determined to seek a home in the New World. They reached America in 1620, and settled at New Plymouth. In 1629 a large colony from England joined them. Thus came the birth of New England, and the establishment of Puritanism in America. The civil government which these men adopted was the direct outgrowth of their religion. The "theocracy" of the Hebrews furnished the model after which is was patterned. The result was more than a union of Church and State; it was, rather, a State in the Church. Hence, the civil laws of those times were the practical expression of orthodox theology; and the execution of those laws was an index to the vitality and power of the prevailing religion. It is suited to the purposes of this chap-

ter to collect the laws of the early colonists concerning Sunday, and, as far as may be necessary, to sketch the history of their execution. This will be done in the following order:

1. The laws of the Plymouth Colony up to the time of its union with Massachusetts; then the laws of Massachusetts as a colony and a province.

2. The laws of the New Haven and Connecticut colonies in a similar order.

There were no direct statute laws concerning the observance of Sunday during the earlier years of the Plymouth Colony. There was, however, a rigid "common law," founded on the laws of the Jewish theocracy. In 1650, June 10th, the general court enacted the following:

Further be it enacted, that whosoever shall profane the Lord's day by doing any servile work, or any such like abuses, shall forfeit for every such default ten shillings, or be whipped.

In 1651, June 6th:

It is enacted by the court that whatsoever person or persons shall neglect the frequenting the public worship of God that is according to God, in the places where they live, or do assemble themselves upon any pretense whatsoever, contrary to God and the allowance of the government, tending to the subversion of religion and churches, or palpable profanation of God's holy ordinances, being duly convicted, viz., every one that is a master or dame of a family, or any other person at their own disposing, to pay ten shillings for every such default.

"Plymouth Colony Records," vol. xi, pp. 57, 58.

It is also

Enacted by the court, that if any in any lazy, slothful or profane way doth neglect to come to the public worship of God, shall forfeit for every such default ten shillings, or be publicly whipped.

"Plymouth Colony Records," vol. xi, p. 58.

In 1658, we have the following:

Whereas, complaint is made of great abuses in sundry places of this government of profaning the Lord's day by travelers, both horse and foot, by bearing of burdens, carrying of packs, etc., upon the Lord's day, to the great offense of the godly, well-affected amongst us: It is therefore enacted by the court, and the authority thereof, that if any person or persons shall be found transgressing in any of the precincts of any township within this government, he or they shall be forthwith apprehended by the constable of such town, and fined twenty shillings to the colony's use, or else sit in the stocks four hours, except they can give a sufficient reason for their so doing; and they that transgress in any of the above said particulars, shall only be apprehended on the Lord's day; and on the second day following shall either pay their fine, or sit in the stocks as aforesaid.

"Plymouth Colony Records," vol. xi, p. 100.

The general laws concerning attendance on public worship passed in 1651, were repealed in 1659, and the following enacted, and repeated in 1661:

It is enacted by the court, that whatsoever person or persons shall frequently absent or neglect, upon the Lord's day, the public worship of God that is approved of by this government, shall forfeit for every such default ten shillings.

"Plymouth Colony Records," vol. xi, p. 122.

The following "Sunday Excise Law" was enacted in 1662:

Whereas, complaint is made of some ordinary keepers, in this jurisdiction, that they do allow persons to stay on the Lord's days drinking in their houses in the interims of times between the exercises, especially young persons and such as stand not in need thereof: It is enacted by the court and the authority thereof, that no ordinary keeper in this government, shall draw any wine or liquor on the Lord's day, for any, except in case of necessity, for the relief of those that are sick, or faint, or the like, for their refreshing, on the penalty of paying a fine of ten shillings for every default.

"Plymouth Colony Records," vol. xi, p. 137.

In 1662 the court urges the strict enforcement of the laws against traveling and unlawful meetings on Sunday. ("Plymouth Colony Records," vol. xi, p. 140.)

In 1682 the general court, sitting at Plymouth, enacted the following:

To prevent profanation of the Lord's day by foreigners, or any others, unnecessarily traveling through our towns on that day: It is enacted by the court, that a fit man in each town be chosen, unto whom, whomso-

ever hath necessity of travel on the Lord's day in case of danger of death or such necessitous occasions, shall repair, and making out such occasions satisfyingly to him, shall receive a ticket from him to pass on about such like occasions, which if the traveler attend not unto it shall be lawful for the constable or any man that meets him, to take him up, and stop him until he be brought before authority, or pay his fine for such transgression, as by law in that case is provided. And if it after shall appear that his plea was false, then may he be apprehended at another time, and made to pay his fine as aforesaid.

"Plymouth Colony Records," vol. xi, p. 258.

The same court protected other days besides Sunday, as follows:

It is enacted that none shall presume to attend servile work or labor or attend any sports on such days as are or shall be appointed by the court for humiliation by fasting and prayer, or for public thanksgiving, on penalty of five shillings.

"Plymouth Colony Records," vol. xi, p. 258.

In 1674:

It is enacted by the court, that as to the restraining of abuses in "ordinaries," that no ordinary keeper shall sell or give any kind of drink to inhabitants of the town upon the Lord's day; and also that all ordinary keepers be required to clear their houses of all town dwellers and strangers that are there (on a drinking account), except such as lodge in the house, by the shutting in of the day-

light, upon the forfeiture of five shillings, the one half to the informer, and the other half to the town's use.

"Plymouth Colony Records," vol. xi, p. 236.

In the year 1665, the following law was enacted against "Sleeping in Church":

Whereas, complaint is made unto the court, of great abuse in sundry towns of this jurisdiction, by persons there behaving themselves profanely, by being without doors at the meeting house on the Lord's days in time of exercise, and there misdemeaning themselves by jesting, sleeping, or the like: It is enacted by the court and hereby ordered that the constables of each township of this jurisdiction shall, in their respective towns, take special notice of such persons, and to admonish them; and if, notwithstanding, they shall persist on in such practices, that he shall set them in the stocks, and in case this will not reclaim them, that they return their names to the court.

"Plymouth Colony Records," vol. xi, p. 214.

Four years later, July, 1669, this law was further added to as follows:

It is enacted by the court, that the constable or his deputy in each respective town of this government, shall diligently look after such as sleep or play about the meeting-house in times of the public worship of God on the Lord's day, and take notice of their names, and return such of them to the court who do not, after warning given to them, reform.

As also that unnecessary violent riding on the Lord's

day; the persons that so offend, their names to be returned to the next court after the said offense.

It is enacted by the court, that any person or persons that shall be found smoking of tobacco on the Lord's day, going to or coming from the meetings, within two miles of the meeting house, shall pay twelve pence for every such default to the colony's use.

"Plymouth Colony Records," vol. xi, pp. 224, 225.

In 1668 the matter of attendance on public worship was again taken up, and the following law enacted:

Whereas, the court takes notice of great neglect of frequenting the public worship of God upon the Lord's day; it is enacted by the court and the authority thereof that the selectmen in each township of this government shall take notice of such in their townships as neglect, through profaneness and slothfulness, to come to the public worship of God, and shall require an account of them; and if they give them not satisfaction, that then they return their names to the court.

"Plymouth Colony Records," vol. xi, pp. 217, 218.

This not having the desired effect, the following was enacted in June, 1670:

For the further prevention of the profanation of the Lord's day, it is enacted by the court and the authority thereof, that the selectmen of the several towns of this jurisdiction, or any one of them, may, or shall, as there be occasion, take with him the constable or his deputy, and repair to any house or place where they may suspect that any slothfully do lurk at home, or get together in

companies, to neglect the public worship of God, or profane the Lord's day; and, finding any such disorder, shall return the names of the persons to the next court, and give notice also of any particular miscarriage that they have taken notice of, that it may be inquired into.

"Plymouth Colony Records," vol. xi, p. 228.

In 1652, and again in 1656, laws were passed prohibiting Indians from hunting, working, or playing on Sunday, within the limits of the colony. ("Plymouth Colony Records," vol. xi, pp. 60, 184.)

In 1691 Plymouth became united to Massachusetts under a new charter, from which time their histories are identical.

Massachusetts Bay Colony.

There were no formal statutes concerning Sunday by the local authorities of this colony during the first years of its existence. The "first general letter" from the governor and deputy of the "Company" in England, dated April 17, 1629, contained the following instruction:

And to the end the Sabbath may be celebrated in a religious manner, we appoint that all that inhabit the plantation, both for the general and particular employments, may surcease their labor every Saturday throughout the year, at three of the clock in the afternoon, and that they spend the rest of that day in catechising, and

preparations for the Sabbath, as the ministers shall direct.

"Records of Massachusetts Bay," vol. i, p. 395.

This instruction and the "common law," like that of the Plymouth Colony, formed the basis of the earliest customs. In the formation of the government, upon those points wherein the civil authorities were in doubt concerning any question, the matter was referred to the "elders." Among the "Answers of the reverend elders to certain questions propounded to them," November 13, 1644, is the following:

The striking of a neighbor may be punished with some pecuniary mulct, when the striking of a father may be punished with death. So any sin committed with an high hand, as the gathering of sticks on the Sabbath-day, may be punished with death, when a lesser punishment might serve for gathering sticks privily, and in some need.

"Records of Massachusetts Bay," vol. ii, p. 93.

Concerning this point, Hutchinson, the historian, says:

In the first draught of the laws by Mr. Cotton, which I have seen corrected with Mr. Winthrop's hand, diverse other offenses were made capital, viz., profaning the Lord's day in a careless or scornful neglect or contempt thereof. (Numbers 15: 30–36.)

"History of Massachusetts," vol. i, p. 390.

On the 4th of November, 1646, the general court decreed:

That wheresoever the ministry of the Word is established, according to the order of the gospel, throughout this jurisdiction, every person shall duly resort and attend thereunto, respectively, upon the Lord's days and upon such public fast days and days of thanksgiving as are to be generally held by the appointment of authority. And if any person within this jurisdiction shall, without just and necessary cause, withdraw himself from hearing the public ministry of the Word, after due means of conviction used, he shall forfeit for his absence from every such public meeting five shillings.

"Records of Massachusetts Bay," vol. ii, p. 178.

Some questions have arisen concerning the meaning of the passage "after due conviction used," in the above law, it was explained May 10, 1649, as meaning "legal conviction." A little later, a general court, sitting at Boston, on the 30th of August, 1653, enacted the following:

Upon information of sundry abuses and misdemeanors committed by several persons on the Lord's day, not only by children playing in the streets and other places, but by youths, maids and other persons, both strangers and others, uncivilly walking the streets and fields, traveling from town to town, going on shipboard, frequenting common houses and other places to drink, sport, and otherwise to misspend that precious time, which things tend much to the dishonor of God, the reproach of religion, and the profanation of his holy Sabbath, the sanctification whereof is sometimes put for all duties immediately respecting the service of God, contained in the first table: It is therefore ordered by this court and the authority, that no children, youths,

maids, or other persons, shall transgress in the like kind, on penalty of being reputed great provokers of the high displeasure of Almighty God, and further incurring the penalties hereafter expressed, namely, that the parents and governors of all children above seven years old, (not that we approve of younger children in evil,) for the first offense in that kind, upon due proof before any magistrate, own commissioner, or selectman of the town where such offense shall be committed, shall be admonished; for a second offense, upon due proof, as aforesaid, shall pay a fine of five shillings; for a third offense, upon due proof, as aforesaid, ten shillings; and if they shall again offend in this kind, they shall be presented to the county courts, who shall augment punishment, according to the merit of the fact. And for all youths and maids, above fourteen years of age, and all elder persons whatsoever that shall offend and be convicted as aforesaid, either for playing, uncivilly walking, drinking, traveling from town to town, going on shipboard, sporting or any way misspending that precious time, shall, for the first offense, be admonished, upon due proof, as aforesaid; for a second offense, shall pay as a fine, five shillings; and for a third offense, ten shillings; and if any shall farther offend that way, they shall be presented to the next county court, who shall augment punishment according to the nature of the offense; and if any be unable or unwilling to pay the aforesaid fines, they shall be whipped by the constable not exceeding five stripes for ten shillings fine; and this to be understood of such offenses as shall be committed during the daylight of the Lord's day.

"Records of Massachusetts Bay," vol. iii, pp. 316, 317.

In volume iv another record of this action may be found with this addition:

> This law is to be transcribed by the constable of each town, and posted upon the meeting-house door, there to remain the space of one month, at least.
>
> "Records of Massachusetts Bay," vol. iv, p. 151.

On the 18th of October of the following year, 1654, a general court, sitting at Boston, enacted that—

> Whereas, experience gives us cause to complain of much disorder in time of public ordinances, in the meeting houses in several congregations in this jurisdiction, through the unreverent carriage and behavior of diverse young persons, and others, notwithstanding the best means that have been hitherto used in the said assemblies, for the reformation thereof, it is therefore ordered by this court and the authority thereof, that it shall be in the liberty of the officers of the congregation, and the selectmen of such towns together, to nominate some one or two meet persons, to reform all such disordered persons as shall offend by any misdemeanor, either in the congregation or elsewhere near about the meeting house, either by serious reproof, more private or more public, or other the like warning and meet correction of the magistrate or commissioners of that town judge meet. And we are not doubtful but the reverend elders of the several congregations, according to their wisdom, will so order the time of their public exercise, that none shall be ordinarily occasioned to break off

from the congregation before the full conclusion of public exercises.

"Records of Massachusetts Bay," vol. iv, pp. 200, 201.

At the second session of the general court for 1658, held at Boston on the 19th of October, in view of the increase of Sunday profanation, the following action was taken:

Whereas by too sad experience it is observed, the sun being set, both every Saturday and on the Lord's day, young people and others take liberty to walk, and sport themselves in the streets or fields in the several towns of this jurisdiction, to the dishonor of God and the disturbance of others in their religious exercises, and too frequently repair to public houses of entertainment and there sit drinking, all which tends, not only to the hindering of due preparation for the Sabbath, but as much as in them lies renders the ordinances of God altogether unprofitable, and threatens rooting out of the power of godliness, and procuring the wrath and judgments of God upon us and our posterity: for the prevention whereof it is ordered by this court, and the authority thereof, that if any person or persons henceforth, either on the Saturday night or Lord's day night after the sun is set, shall be found sporting in the streets or fields of any town in this jurisdiction, drinking or being in any house of entertainment (unless strangers or sojourners, as in their lodgings), and can not give a satisfactory reason to such magistrate or commissioner in the several towns as shall have the cognizance thereof, every such person so found, complained of, and proved trans-

gressing, shall pay five shillings for every such transgression, or suffer corporal punishment, as authority aforesaid shall determine.

"Records of Massachusetts Bay," vol. iv, part i, p. 347.

At a general court called by order of the council on the 1st of August, 1665, and held at Boston the 1st of August, the following was enacted:

This court being sensible that through the wicked practices of many persons who do profane God's holy Sabbaths, and contemn the public worship of his house, the name of God is greatly dishonored, and the profession of his people here greatly scandalized, as tending to all profaneness and irreligion, as also that by reason of the late order of Oct. 20th, 1663, remitting the fines imposed on such to the use of the several towns, the laws made for reclaiming such enormities are become ineffectual, do therefore order and enact, that henceforth all fines imposed according to law for profanation of the Sabbath, contempt or neglect of God's public worship, reproaching of the laws and authority here established, according to his Majesty's charter, shall be to the use of the several counties as formerly, anything in the above said law to the contrary notwithstanding; and in case any person or persons so sentenced do neglect or refuse to pay such fine or mulct as shall be legally imposed on them, or give security in court, to the treasurer for payment thereof, every such person or persons, so refusing or neglecting to submit to the court's sentence, shall for such his contempt be corporally punished according as the court that hath cognizance of the case

shall determine, and where any are corporally punished, their fines shall be remitted.

"Records of Massachusetts Bay," vol. iv, part ii, p. 276.

Three years later, October, 1668, the general court, sitting at Boston, took up this matter again, and passed the following:

For the better prevention of the breach of the Sabbath, it is enacted by this court and the authority thereof, that no servile work shall be done on that day, viz., such as are not works of piety, of charity, or of necessity; and when other works are done on that day, the persons so doing, upon complaint or presentment, being legally convicted thereof before any magistrate or county court, shall pay for the first offense ten shillings fine, and for every offense after to be doubled; and, in case the offense herein be circumstanced with profaneness or high-handed presumption, the penalty is to be augmented at the discretion of the judges. As an addition to the law for preventing profaning of the Sabbath-day by doing servile work, this court doth order, that whatsoever person in this jurisdiction shall travel upon the Lord's day, either on horseback or on foot, or by boats from or out of their own town to any unlawful assembly or meeting not allowed by law, are hereby declared to be profaners of the Sabbath, and shall be proceeded against as the persons that profane the Lord's day by doing servile work.

"Records of Massachusetts Bay," vol. iv, part ii, p. 395.

At a general court held in Boston in 1667, the Sunday laws were further amended by an act of the 24th of May, running as follows:

This court, being desirous to prevent all occasions of complaint, referring to the profanation of the Sabbath, and as an addition to former laws, do order and enact, that all the laws for sanctification of the Sabbath and preventing the profaning thereof, be twice in the year, viz., in March and in September, publicly read by the minister or ministers on the Lord's day in the several respective assemblies within this jurisdiction, and all people by him cautioned to take heed to the observance thereof. And the selectmen are hereby ordered to see to it that there be one man appointed to inspect the ten families of his neighbors, which tything man or men shall, and are hereby, have power in the absence of the constable, to apprehend all Sabbath-breakers and disorderly tipplers, or such as keep licensed houses or others that shall suffer any disorders in their houses on the Sabbath day, or evening after, or at any other time, and to carry them before a magistrate or other authority, or commit to prison as any constable may do, to be proceeded with according to law.

And for the better putting a restraint and securing offenders that shall any way transgress against the laws, tittle Sabbath, either in the meeting house by abusive carriage or misbehavior, by making any noise or otherwise, or during the day time, being laid hold on by any of the inhabitants shall, by the said person appointed to inspect this law, be forthwith carried forth and put into a cage in Boston, which is appointed to be forthwith by the selectmen, to be set up in the market-place and in

such other towns as the county courts shall appoint, there to remain till authority shall examine the person offending and give order for his punishment, as the matter may require, according to the laws relating to the Sabbath.

"Records of Massachusetts Bay," vol. v, p. 133.

The same court made additional laws concerning Quaker meetings, ordering all constables, on penalty of the forfeiture of forty shillings, to "make diligent search" for such gatherings, especially on the Lord's day, and if denied admittance, to break down the doors and arrest the frequenters according to law. It also ordered that persons complained of, as being absent from public service on Sunday, who would neither affirm that they were present nor that they were "necessarily absent by the providence of God," should be thereupon adjudged as convicted, and punished accordingly. ("Records of Massachusetts Bay," vol. v, p. 134.)

October 15, 1673, the foregoing laws were amended as follows:

As an addition to the law of the Sabbath, section the second, it is ordered by this court and the authority thereof, besides the penalty upon the persons there offending, the public house keeper, where any such person or persons are found so transgressing (as in the said law is expressed), shall pay five shillings to the treasury of the country where the offense is committed.

"Records of Massachusetts Bay," vol. iv, part ii, p. 562.

On the 10th of October, 1677, the general court in session at Boston, made the following additions to this law:

As an addition to the late law made in May last for the prevention of profanation of the Sabbath, and strengthening of the hands of tything men appointed to inspect the same, it is ordered that those tything men shall be and are hereby appointed and empowered to inspect public licensed houses, as well as private and unlicensed houses, houses of entertainment, as also *ex-officio* to enter any such houses and discharge their duty according to law; and the said tything men are empowered to assist one another in their several precincts and to act in one another's precincts with as full power as in their own, and yet to retain their special charges within their own bounds.

"Records of Massachusetts Bay," vol. v, p. 155.

Two years later, October 15, 1679, the general court, at Boston, enacted certain local laws, of which the following is a representative:

For prevention of profanation of the Sabbath, and disorders on Saturday night, by horses and carts passing late out of the town of Boston, it is ordered and enacted by this court, that there be a ward, from sunset on Saturday night, until nine of the clock or after, consisting of one of the selectmen or constables of Boston, with two or more meet persons, who shall walk between the fortification and the town's end, and upon no pretense whatsoever suffer any cart to pass out of the town after sunset, nor any footman or horseman, without such good account of the necessity of his business as may be to

their satisfaction; and all persons attempting to ride or drive out of town after sunset, without such reasonable satisfaction given, shall be apprehended and brought before authority to be proceeded against as Sabbath-breakers; and all other towns are empowered to do the like as need shall be.

"Records of Massachusetts Bay," vol. v, p. 239, 240.

By the same court, the reading of the Sunday laws was placed in the hands of the town clerks, to be done at some public meeting of the town, instead of being done by the ministers on Sunday. ("Records of Massachusetts Bay," vol. v, p. 243.)

Thus the laws stood with little or no change until the new charter and the provincial government.

In 1691, Massachusetts, including Plymouth Colony and other territories lying north and east, was reorganized under a new charter from King William and Queen Mary. The change did not, however, materially affect the status of the Sunday laws.

On the 22d of August, 1695, a general act was passed which embodied the substance of all the former colonial laws. By this, all "labor and sporting" was prohibited under penalty of five shillings fine. All "traveling," except in cases of great necessity, was punishable by a fine of twenty shillings. The keepers of public houses were forbidden to entertain any except travelers and boarders, on penalty of five shillings fine.

Any one justice of the peace was empowered to try the cases, and on his judgment to pass sentence, and the fines, if not forthcoming, were to be collected by distraint. If the offender was unable to pay the fine, he was to be "set in the stocks," or "caged," not more than three hours. These acts were in force from sunset on Saturday, until sunset on Sunday. All civil officers and parents were enjoined carefully to enforce these acts. ("Acts and Laws of the Province of Massachusetts Bay, from 1692 to 1719," folio edition, London, 1724, pp. 15, 16.)

In 1711, this law was added to, in that twelve hours' imprisonment was made one of the penalties of transgression, and constables were especially empowered and instructed to labor diligently to prevent profanation of the Sunday. ("Acts and Laws of the Province of Massachusetts Bay," p. 277.)

Four years later, in 1716, we find Sunday desecration on the increase, since, although many laws have been passed, it is said: "Many persons do presume to work and travel on the said day"; so that the authorities saw fit to increase the penalty for "working or playing" to ten shillings, and that for traveling to twenty shillings for the first offense. For the second offense these fines were doubled, and the parties made to give "sureties" for good behavior in the future. A month's continued absence from the public Sunday services was also made finable in the sum of twenty shil-

lings, or "three hours in the stocks, or cage." ("Acts and Laws of the Province of Massachusetts Bay," p. 328.)

In 1727, the fine for "working or playing" was increased to fifteen shillings, and that for traveling to thirty shillings for the first offense, and for the second, three pounds. If the offender failed to pay, he was liable to the stocks or the cage for four hours, or to imprisonment in the county jail, not to exceed five days. At this time, also, funerals, since they induced "great profanation" of Sunday, by the traveling of children and servants in the streets, were prohibited, except in extreme cases, and then under license from a civil officer of the town. The director of a funeral transgressing this was to be fined forty shillings, and the sexton or grave-digger twenty shillings. Shops for the retailing of strong drinks were also to be searched by the proper officers, and if any were found there drinking, the proprietor and the drinker were each to pay five shillings. ("Acts and Resolves of the Province of Massachusetts Bay," vol. ii, p. 456.)

In 1741 an additional act was passed against slothfully loitering in the streets or fields, making the penalty twenty shillings for the first offense and forty for the second, with costs, and imprisonment until paid. Appeal to the next court was allowed. ("Acts and Resolves of the Province of Massachusetts Bay," p. 1071, Boston edition, 1874.)

In 1760 a general amendment was made by re-

pealing all former laws relative to Sunday, and enacting a new code. The reasons for repealing are thus stated:

Whereas by reason of different constructions of the several laws now in force relating to the observation of the Lord's day, or Christian Sabbath, the said laws have not been duly executed, and, notwithstanding the pious intention of the legislators, the Lord's day hath been greatly and frequently profaned, therefore, etc.

The preamble to the new law is as follows:

And whereas, it is the duty of all persons, upon the Lord's day, carefully to apply themselves publicly and privately to religion and piety, the profanation of the Lord's day is highly offensive to Almighty God; of evil example, and tends to the grief and disturbance of all pious and religiously disposed persons, therefore, etc.

The main features of the new code were the same as those of the former laws. The provisions were these:

1. Work or play, on land or water, is fined not less than ten nor more than twenty shillings.

2. Traveling by any one except in extremity, and then only far enough for immediate relief, is liable to the same penalty.

3. Licensed public-house keepers are forbidden to entertain any except "travelers, strangers and lodgers" in their houses or about their premises, for the purpose of drinking, playing, lounging, or doing any secular business whatever, on penalty of ten shillings; the person lounging, etc., also

paying not less than five shillings. On the second conviction, the inn-keeper is made to pay twenty shillings, and on the third offense to lose his license.

4. Loitering, walking, or gathering in companies in "streets, fields, orchards, lanes, wharves," etc., is prohibited on pain of five shillings fine; and on a second conviction, the offender is required to give bail for future obedience..

5. Absence from public service for one month is fined ten shillings.

6. No one is to assist at any funeral, not even to ring a bell, unless it be a licensed funeral, on penalty of twenty shillings fine. In Boston, however, a funeral might be attended after sunset without a license.

7. The observance of the Sunday was to commence from sunset on Saturday.

8. Twelve wardens were appointed in each town to execute these laws; these were to look after all infringements, enter all suspected places, examine or inquire after all suspected persons, etc. In Boston, they were to patrol the streets every Sunday (very stormy or cold days excepted), and diligently watch and search for offenders. In case any one convicted on any point in this code failed to pay his fine at once, he was to be committed to the common jail, not less than five, nor more than ten days. These laws were to be read at the "March meeting" of the towns each year. ("Acts and Laws of the Province of Massa-

chusetts Bay," folio edition, pp. 392 to 397, Boston, 1759.)

In 1761 this code was supplemented by another act making it five pounds fine to give any false answers to a warden, or to refuse him aid or information when called upon. ("Acts and Laws of the Province of Massachusetts Bay," folio edition, pp. 397, 398.) These were all carried over, in essence, to the State laws.

CHAPTER IX.

SUNDAY LEGISLATION IN AMERICA — COLONIAL PERIOD—*Continued.*

New Haven Colony.

THE primary compact formed by the colonists at New Haven shows that they claimed to take the Bible as their guide in all things. The common law, based upon the Sabbath laws of the Jewish theocracy, was the accepted authority concerning the Sunday. In December, 1647, the transactions of certain ship-masters in the harbor of New Haven, on Sunday, brought the matter of Sunday desecration before the civil court. The offenders, after examination, were dismissed, but the case created considerable interest, and the time seemed to demand some definite legislation. Hence, on the 31st of January, 1647, the court took the following action:

It was propounded to the court to consider whether it were not meet to make a law for restraining of persons from their ordinary outward employments on any part of the Sabbath, and the rather, because some have

of late taken too much liberty that way, and have been called to answer for it in the particular court. The court, considering that it is their duty to do the best they can that the law of God may be strictly observed, did therefore order that, Whosoever shall, within this plantation, break the Sabbath by doing any of their ordinary outward occasions, from sunset to sunset, either upon the land or upon the water, extraordinary cases, works of mercy and necessity being excepted, he shall be counted an offender, and shall suffer such punishment as the particular court shall judge meet, according to the nature of his offense.

"New Haven Colony and Plantation Records, from 1638 to 1649," p. 358.

The "New Haven Code," published for the use of the colony in 1656, embraces all the general laws which were enacted previous to the union between the New Haven and Connecticut colonies. This code contains the following, relative to attendance on public worship:

And it is further ordered that wheresoever the ministry of the Word is established within this jurisdiction, according to the order of the gospel, every person, according to the mind of God, shall duly resort and attend thereunto, upon the Lord's days, at least, and also upon days of public fasting or thanksgiving ordered to be generally kept and observed. And if any person within this jurisdiction shall without just and necessary cause, absent or withdraw from the same, he shall, after due means of conviction used, for every such sinful miscar-

riage, forfeit five shillings to the plantation, to be levied as other fines.

"New Haven Colony Records, 1653–1655," p. 588.

The following statute on the "Profanation of the Lord's day," is worthy of careful notice:

Whosoever shall profane the Lord's day or any part of it, either by sinful servile work, or by unlawful sport, recreation, or otherwise, whether willfully or in a careless neglect, shall be duly punished by fine, imprisonment, or corporally, according to the nature and measure of the sin and offense. But if the court upon examination, by clear and satisfying evidence, find that the sin was proudly, presumptuously, and with a high hand, committed against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord, shall be put to death, that all others may fear and shun such provoking, rebellious courses. (Numb. 15: from 30 to 36 verse.)

"New Haven Colony Records, 1653–1655," p. 605.

In 1665, the colony of New Haven was united with that of Connecticut under the latter name. Its history will therefore be traced under that head from this point forward.

The Colony of Connecticut.

Here, again, there were at first no special statutes relative to Sunday. In 1650, a general code of laws was established, in which is the following proviso, as a part of the law against burglary:

And if any person shall commit [such burglary, or] rob, in the fields or houses on the Lord's day, beside the former punishments, he shall, for the first offense, have one of his ears cut off; and for the second offense in the same kind, he shall lose his other ear in the same manner, and if he fall into the same offense the third time, he shall be put to death.

"Public Records of the Colony of Connecticut prior to 1665," p. 514.

At a general court, held September 8, 1653, the following was enacted relative to maritime matters:

Whereas, it is observed that many seamen divers times weigh anchors in the harbors of several plantations within these liberties, and pass out on the Lord's day to the grief and offense of the beholders, for the preventing whereof it is ordered: That after the publishing this order, no vessel shall depart out of any harbor within this jurisdiction, but the master of the boat or vessel shall first give notice of the occasion of his remove to the head officer of the town next the said harbor where they so anchor, and obtain license, under the hand of the said officer, for his liberty therein. Otherwise they shall undergo the censure of the court.

"Public Records of the Colony of Connecticut prior to 1665," p. 247.

The law relative to the attendance on public worship is the same, in essence, as those already noticed. It is as follows:

It is ordered and decreed by this court and authority thereof, that wheresoever the ministry of the Word is es-

tablished according to the order of the gospel, throughout this jurisdiction, every person shall duly resort and attend thereunto, respectively upon the Lord's day and upon such public fast days and days of thanksgiving as are to be generally kept by the appointment of authority. And if any person within this jurisdiction shall, without just and necessary cause, withdraw himself from hearing the public ministry of the Word, after due means of conviction used, he shall forfeit for his absence from every such public meeting five shillings, all such offenses to be heard and determined by any one magistrate or more, from time to time.

"Public Records of the Colony of Connecticut prior to 1665," p. 524.

Two years after the union of the colonies of New Haven and Connecticut under one government, a law was passed forbidding Indians to profane the Sunday, on penalty of five shillings fine or one hour in the stocks.

On the 19th of May, 1668, a general law was enacted as follows:

Whereas, the sanctification of the Sabbath is a matter of great concernment to the weal of a people, and the profanation thereof is that as pulls down the judgments of God upon that place or people that suffer the same: It is therefore ordered by this court and the authority thereof, that if any person shall profane the Sabbath, by unnecessary travel, or playing thereon in the time of public worship, or before, or after, or shall keep out of the meeting-house during the public worship unnecessarily, there being convenient room in the house, he shall

pay five shillings for every such offense, or sit in the stocks one hour; any one assistant or commissioner to hear and determine any such case. And the constables in the several plantations are hereby required to make search after all offenders against this law, and make return thereof to the commissioners or assistants.

"Colonial Records of Connecticut, 1665–1667," p. 88.

In 1676, the above was strengthened by the following:

Whereas, notwithstanding former provisions made for the due sanctification of the Sabbath, it is observed that by sundry abuses the Sabbath is profaned, the ordinances rendered unprofitable, which threatens the rooting out of the power of godliness, and the procuring of the wrath and judgments of God upon us and our posterity; for prevention whereof it is ordered by this court that if any person or persons henceforth, either on the Saturday night or on the Lord's day night, though it be after the sun is set, shall be found sporting in the streets or fields of any town in this jurisdiction, or be drinking in houses of public entertainment or elsewhere, unless for necessity, every such person so found, complained of, and proved transgressing, shall pay ten shillings for every such transgression, or suffer corporal punishment for default of due payment. Nor shall any sell or draw any sort of strong drink at any time, or to be used in any such manner, upon the like penalty for every default.

It is also further ordered that no servile work shall be done on the Sabbath, viz., such as are not works of piety, charity, or necessity; and no profane discourse or talk,

rude or unreverent behavior shall be used on that holy day, upon the penalty of ten shillings fine for every transgression hereof, and in case the offense be circumstanced with high-handed presumption as well [as] profaneness, the penalty to be augmented at the discretion of the judges.

"Colonial Records of Connecticut from 1665 to 1677," p. 280.

Under date of May, 1684, is found an act referring to the foregoing laws and their enforcement in the following words:

Whereas, this court, in the calamitous time of New England's distress by the war with the Indians in the years seventy-five and seventy-six, were moved to make some laws for the suppression of some provoking evils which were feared to be growing up among us, as, viz., profanation of the Sabbath, neglect of catechising of children and servants, and family prayer, . . . which laws (for want of due prosecution of offenders that are guilty of the breach of them) have little tended to the suppressing of the growth of said evils amongst us, and have not answered that expectation of reformation which this court aimed at; it is therefore ordered by this court, that the selectmen, constables, and grand jurymen in the several plantations shall have a special care in their respective places to promote the due and full attendance of those forementioned orders of this court, by the several inhabitants of their respective towns. And the selectmen, constables, and grand jurymen shall, at least once a month, make presentment of all breaches of such laws as are come to their knowledge, to the next assistant or commissioner under their lands.

Any failure on the part of these officers to perform the above-mentioned duties was made finable to the amount of ten shillings for every neglect, Two years later this act was renewed in nearly the same words. ("Colonial Records of Connecticut from 1678 to 1689," pp. 148, 203.) Thus did Sabbath desecration, so called, increase in spite of these stringent laws, guarded by severe and often-executed penalties.

Soon after this came the interruption of the government by Andros, which lasted between one and two years. When the government was restored, the general court declared all laws to be binding which were in force before the interruption. After this restoration of the colonial government in 1689, little appears concerning the Sunday laws for several years. In 1715 an especial act was passed concerning the movements of vessels in the harbors, and a general one requiring the officers to execute the existing law against vice and immorality, among which the Sunday laws are mentioned. The power of these officers to search after delinquents was also increased. ("Acts and Laws of Connecticut," folio edition, pp. 206–208. New London, 1715 and 1737.) In 1721 additional laws were passed under the following preamble:

Whereas, notwithstanding the liberty by law granted to all persons to worship God in such places as they shall for that end provide, and in such manner as they shall judge to be most agreeable to the Word of God;

and notwithstanding the laws already provided for the sanctification of the Lord's day, or the Christian Sabbath, many disorderly persons in abuse of that liberty, and regardless of those laws, neglect the public worship of God on the said day, and profane the same by their rude and unlawful behavior; therefore, etc.

By this law:

1. Non-attendance on lawful public worship was subjected to a fine of five shillings.

2. The same penalty was incurred by going forth from one's place of abode for any reason except to attend worship or perform works of necessity.

3. A fine of twenty shillings was imposed for assembling in any meeting-house on Sunday without the consent of the congregation to whom it belonged and the minister who usually officiated in it.

4. Disturbing any meeting for public worship on Sunday was made punishable by a fine of forty shillings.

5. Failure to pay or secure a fine imposed for any of these offenses, within one week, was punished by labor in the house of correction for one month or less.

6. No appeal from a justice's court was allowed.

7. All charges were to be preferred within one month from the time of the offense. ("Acts and Laws of Connecticut," folio, pp. 261, 262. New London, 1715–1737.)

Other supplementary acts were also passed, relating mainly to the duties of the civil authorities in executing these laws. In 1726 all assistant justices of the peace were empowered, on their own "plain view or personal knowledge" of profanity, drunkenness, or Sabbath-breaking, to make out a judgment accordingly against the offender, "any law or custom to the contrary notwithstanding." (*Ibid.*, p. 319.)

In 1733 a more extensive code was established, of which the following is an outline:

1. Non-attendance on public worship for a specified time, was punished by a fine of three shillings.

2. Ten shillings was made the penalty for assembling in a meeting-house without the consent of the congregation and minister for whom it was provided. No persons were allowed to neglect public worship, and meet in private houses, on penalty of ten shillings.

3. All work or play, on land or water, on Sundays, fast, or thanksgiving days, was prohibited under a fine of ten shillings.

4. Disturbing public worship by rude or clamorous behavior, in or within hearing of the assembly, was fined forty shillings.

5. All traveling, except in great extremity, was forbidden on pain of twenty shillings fine, and all absence from one's house, except for church attendance, or "necessity," incurred a fine of five shillings.

6. Staying outside at the meeting-house (there being room inside), or going out unnecessarily during service, or playing or talking around places of worship, was finable in the sum of three shillings. Gathering in companies in streets, or elsewhere, on the evening before or the evening after the Sunday, or on the evening after any fast day, religious gatherings excepted, was liable to a penalty of three shillings, or two hours in the stocks.

7. Loitering or drinking, in or about any public place after sunset on Saturday night, subjected both the offender and the keeper of the place to a fine of five shillings.

8. No vessel was allowed to put to sea from any harbor, river, or creek within the colonial limits without license, granted only in extreme emergency, nor to weigh anchor within two miles of any place of meeting, unless to get nearer to that place, under forfeiture of thirty shillings.

9. Posting notices on Sunday, or publishing them in any way, was declared illegal, and the proper officers were instructed to destroy all such as should be put up, and the one putting up the same was subjected to a fine of five shillings.

10. Two "tythingmen" were ordered to be appointed for every parish; these were empowered and instructed, after the usual manner, to execute these provisions. Whipping, twenty stripes or less, was the penalty for non-payment of a fine.

("Acts and Laws of Connecticut, 1750 to 1772," pp. 139–142.)

In 1761, in spite of all that had been done, traveling is declared to be a "growing evil," and all assistant justices of the peace are empowered to arrest, without a written warrant, any person traveling unnecessarily, and every sheriff, constable, grand juryman and tything-man was empowered to take such person into custody, "upon sight, or present information of others." Refusal to aid in any such arrest, when called upon, incurred the usual penalties. (*Ibid.*, p. 259.)

In 1770 an act was passed allowing all sober persons who conscientiously differed from the established worship and ministry of the colony, to meet together for worship without incurring the penalties provided for in the preceding laws against such meetings, and against absence from the recognized services. (*Ibid.*, p. 351.)

Rhode Island Colony Laws.

The land of Roger Williams must of necessity have produced Sunday laws different from those of the other New England colonies. What these laws were will be clearly seen by the following extracts. The General Assembly, sitting at Newport, on the 2d day of September, 1673, enacted as follows:

Voted, this Assembly considering that the King hath granted us that not any in this colony are to be molested

in the liberty of their consciences, who are not disturbers of the civil peace, and we are persuaded that a most flourishing civil government, with loyalty, may be best propagated where liberty of conscience by any corporal power is not obstructed, that is not to any unchasteness of body, and not by a body doing any hurt to a body, neither endeavoring so to do, and although we know by man not any can be forced to worship God, or for to keep holy or not to keep holy any day; but forasmuch as the first days of the weeks it is usual for parents and masters not to employ their children or servants, as upon other days, and some others also that are not under such government, accounting it as spare time, and so spend it in debaistness or tippling, and unlawful games, and wantonness, and most abominably there practiced by those that live with the English, at such times to resort to towns. Therefore, this Assembly, not to oppose or propagate any worship, but as by preventing debaistness, although we know masters or parents can not, and are not, by violence to endeavor to force any under their government, to any worship, or from any worship, that is not debaistness or disturbant to the civil peace, but they are to require them, and if that will not prevail, if they can, they should compel them not to do what is debaistness, or uncivil, or inhuman, not to frequent any immodest company or practices.

Therefore, by his Majesty's authority it is enacted, that on the first days of the weeks, whoever he be that doth let any have any drink, that he or any other is drunk thereby, besides all other forfeitures therefor for every one so drunk, they shall forfeit six shillings, and for every one that entertains in gaming or tippling upon the first day of the week, he shall forfeit six shillings. And by

his Majesty's authority, thereby it is enacted, that for to prevent any such misdemeanors, if any are so guilty, to discover them, that every first day of the week, in every town in this colony there shall be a constable's watch, for every inhabitant fit to watch, to take his turn, that belongeth to the town, or pay for hiring one, so for one or more to watch in a day as the Town Council judge necessary to restrain any debaistness, or immodesty, or concourse of people, tippling or gaming, or wantonness, that all modest assemblies may not be interrupted; especially all such that profess they meet in the worship of God; if some of them will be most false worshipers, they should only be strove against, therefore, with spiritual weapons, if they do not disown that they should not be condemned, whoever they be, that be unchaste with their bodies, or with their bodies oppress or do violence to what is mortal of any man, but, as they should be subject to such, to suffer for such transgressions, parents may thereof correct their children and masters their servants; and magistrates should be a terror to such evil doers.

"Rhode Island Colonial Records, 1664–'77," vol. ii, pp. 503, 504.

At a general assembly held at Newport, May 7th, 1679, the following action was taken:

Voted, whereas there hath complaint been made that sundry persons being evil-minded, have presumed to employ in servile labor, more than necessity requireth, their servants and also hire other men's servants and sell them to labor on the first day of the week; for the prevention whereof, be it enacted, by this Assembly and the authority thereof, that if any person or persons

shall employ his servants, or hire and employ any other man's servant or servants and set them to labor, as aforesaid, the person or persons so offending shall, upon proof thereof made, pay for every offense by him or them committed, five shillings in money, to the use of the poor of the town or place in which the offenses are committed; which said five shillings, if the person offending refuse, upon conviction before one magistrate, to pay, a warrant under the hand of one magistrate, directed to the sergeant of the town where the offense was committed, shall be his sufficient warrant to take by distraint so much of the estate of the offending party, together with two shillings for his service therein.

And be it further enacted by the authority aforesaid, that if any person or persons shall presume to sport, game, or play at any manner of game or games, or shooting, on the first day of the week, as aforesaid, or shall sit tippling and drinking in any tavern, ale-house, ordinary, or victualing house on the first day of the week, more than necessity requireth, and upon examination of the fact it shall be judged by one justice of the peace, the person offending, as aforesaid, upon conviction before one justice of the peace, shall, by the said justice of the peace, be sentenced for every of the aforesaid offenses to sit in the stocks three hours, or pay five shillings in money for the use of the poor of the town or place where the offense was committed.

"Rhode Island Colonial Records, 1678–1706," vol. iii, p. 30.

Various modifications or simple re-enactments of the Rhode Island Sunday laws were made in

1750 and 1784. In 1798 the laws of the State were revised. The main features of the Sunday laws were not changed. All work or play was prohibited on penalty of one dollar for the first offense, and two dollars for the second. In default of payment, the offender was to suffer ten days' imprisonment in the county jail. The same penalty was imposed for employing others. All complaints to be made within ten days after the offense. An appeal was allowed. Otherwise the law of 1798 was identical with the present law. ("Public Laws of Rhode Island and Providence Plantations," pp. 577 to 579, Providence, 1798.)

New York.

There was no representative government in what is now the State of New York until nearly a century after the first settlements were made within its limits. The records of the first half-century of the existence of the colony of New Netherlands, as it was called, are very meager. The government was administered by officers appointed in Holland. The religious views of the Hollanders made it impossible that such an observance of Sunday should obtain in New Netherlands as was common in new England.

In 1647 Peter Stuyvesant was made "Dictator" of the colony. According to the statements of Mr. Brodhead ("History of New Netherlands," first period, p. 466), the social, civil, and religious

affairs of the colony were in a sad state of decline. The preceding administration of Kieft had been ruinous in many respects. On the arrival of Stuyvesant, says Mr. Brodhead—

> Proclamations were immediately issued with a zeal and rapidity which promised to work a "thorough reformation." Sabbath-breaking, brawling and drunkenness were forbidden. Publicans were restrained from selling liquors, except to travelers, before two o'clock on Sundays, "when there is no preaching," and after nine o'clock in the evening.

Stuyvesant was a member of the Reformed Church at home, and was probably more strict than the most of his countrymen. In 1673 each town was empowered to make laws against Sabbath-breaking and other immoralities (Documents relating to the Colonial History of New York, vol. ii, p. 621). The administration of Stuyvesant was the beginning of efforts at Sunday legislation.

In 1691 a representative government was established under the English crown. In 1695, October 22d, the first Sunday law was passed by that government. It was prefaced by the following preamble, which gives an idea of the state of the country at that time:

> Whereas, the true and sincere worship of God according to his holy will and commandments, is often profaned and neglected by many of the inhabitants and sojourners in this province, who do not keep holy the Lord's day, but in a disorderly manner accustom them-

selves to travel, laboring, working, shooting, fishing, sporting, playing, horse-racing, frequenting of tippling houses and the using many other unlawful exercises and pastimes, upon the Lord's day, to the great scandal of the holy Christian faith, be it enacted, etc.

These are the provisions of the law:

1. Six shillings fine for any of the above-named crimes, or any manner of work or play.

2. Any justice of the peace might convict offenders, on "his own sight," "on their confession," or on the testimony of "one or more witnesses"; fines were to be collected by distraint, if necessary. In default of payment, the offender was to sit for three hours in the "stocks." If any master refused to pay the fine imposed upon a negro or Indian slave or servant, said slave or servant was to be whipped "thirteen lashes." All complaint against offenders were to be made within one month.

3. It was lawful to travel any distance under twenty miles, for the purpose of attending public worship. It was also lawful to "go for a physician or nurse." These exemptions were not good in favor of unchristianized Indians. ("Laws of New York from 1691 to 1773," large folio edition, vol. i, p. 23, 24. New York, 1874.)

No other law concerning Sunday observance appears until after the establishment of the State government.

Pennsylvania.

The early Sunday laws of Pennsylvania were far less strict than those of the New England States. In 1700–'01 a general law was passed, John Evans being lieutenant-governor, under William Penn, of which the following is the substance:

1. All general servile work on Sunday was prohibited on pain of twenty shillings fine. The exceptions under this provision were quite numerous. They allowed the preparing of food in public houses, the dressing and selling of meat by butchers and fishermen during the months of June, July, and August, the selling of milk before nine o'clock in the morning, and the landing of passengers by watermen during the entire day.

2. No civil process was servable on Sunday.

3. Any person found "tippling" in public drinking-houses was fined one shilling and sixpence. Any dealer who allowed persons to drink and lounge about his premises, was liable to pay ten shillings fine. "Taverns" were, however, allowed to sell to regular inmates and travelers "in moderation." ("Acts of the Assembly of the Province of Pennsylvania," vol. i, pp. 19–21, folio edition, Philadelphia, 1762.)

There were various changes and modifications of this law, from time to time, up to 1786, when all former laws were repealed and a new one enacted. The new law imposed thirty shillings

fine for working or sporting. It excepted "boatmen," "watermen," "stage coaches (having the consent of a justice on extraordinary occasions)," the general work of preparing food, and the "delivery of milk and other necessaries of life," before nine o'clock in the morning, and after five o'clock in the afternoon. Any offender, in default of payment of his fine was liable to imprisonment. ("Laws of Pennsylvania," vol. iii, chap. 297, folio edition.)

In 1794, the above law was repealed, and its place supplied by one differing only in a few particulars. By it the general fine was placed at four dollars, and "persons removing their families" were placed upon the list of exceptions under the head of traveling. ("Laws of Pennsylvania," chap. 1746, sec. 1, 8mo edition, Philadelphia, 1803.)

There has been but little, if any, change in the statute Sunday law of Pennsylvania since 1794.

Virginia.

The early laws of Virginia have some resemblance to those of New England.

Hon. R. W. Thompson, Secretary of the Navy, in an address delivered in Washington, May 16, 1880, makes the following statement concerning a law made before the organization of the regular assembly in 1619:

> The very first statute passed by the Cavaliers of Virginia provided that he who did not attend church on

Sunday, should pay a fine of two pounds of tobacco. This was the first law ever enacted in the United States, and was passed in 1617, three years before the Puritans landed at Plymouth.

"Sabbath Doc. No. 45," p. 15, New York.

In 1623, a law was passed in these words:

Whosoever shall absent himself from divine service any Sunday without an allowed excuse, shall forfeit a pound of tobacco; and he that absents himself for a month shall forfeit fifty pounds of tobacco.

"Statutes at Large of Virginia, Hening, 1619–1660," vol. i, p. 123.

In 1629, the authorities were ordered to take care that the above law was carefully executed, and to "see that the Sabbath-day be not ordinarily profaned by working in any employments, or by journeying from place to place." (*Ibid.*, p. 144.)

In 1642, "church wardens" are bound by their oath of office, to present to the civil authorities all cases of "profaning God's name, and his holy Sabbaths." In the same year it was "enacted for the better observation of the Sabbath, that no person or persons shall take a voyage upon the same, except it be to church, or for other causes of extreme necessity, upon the penalty of the forfeiture for such offense, of twenty pounds of tobacco." (*Ibid.*, pp. 240 and 261.) In 1657–'58, this law was extended so as to prohibit "traveling, loading of boats, shooting of game, and the like," and the penalty was increased to "one hundred pounds of tobac-

co," or a place in the "stocks." The execution of any ordinary civil process is also forbidden during this year. (*Ibid.*, pp. 434 and 457.) In 1691, the penalty was changed to "twenty shillings," and in 1696, to "twenty shillings or two hundred pounds of tobacco." In 1705, the specifications of the law were increased, and all general acts of profanation by working, playing, drinking, etc., and also absence from church for one month, were included in one class, the penalty being "five shillings or fifty pounds of tobacco." In default of payment, the offender was subjected to "ten lashes." (*Ibid.*, vol. iii, pp. 73, 138, and 361.)

In 1786, a more elaborate code was passed, the substance of which was as follows:

1. All ministers properly licensed, and faithful to the commonwealth, were exempted from arrest on any civil process while performing public religious duties.

2. Maliciously disturbing any public religious meeting, was made punishable by fine and imprisonment.

3. All labor, whether performed by one's self, or by one's employés, was made liable to a fine of ten shillings. (*Ibid.*, vol. xii, pp. 336, 337.)

In 1792, the foregoing law was re-enacted with little or no change. In 1801, a law was passed forbidding any one to trade with slaves on Sunday, without the consent of their masters, under penalty of ten dollars fine above the usual punishment for "Sabbath-breaking." ("Acts of the As-

sembly of Virginia," vol. i, pp. 276, 432. Richmond, 1803.)

In 1819, certain restrictions were placed upon the "excessive drinking" on Sunday, or other days of religious worship appointed by public authority, the penalty of the liquor-seller being the "loss of his license." ("Revised Code of 1819," p. 283.)

Enforcement of Sunday Laws in the New England Colonies.

Such was the Sunday Legislation during the Colonial period and in the leading colonies of the United States. The history of that period gives ample proof that these Sunday laws were not a "dead letter." A few examples relative to their enforcement are here given. It would be tedious and useless to note every instance in which these laws were executed. The majority of the cases were, doubtless, disposed of by the common magistrates, and hence do not appear upon the records of the higher courts. A few representative instances are given.

October 6, 1636, John Barnes was found guilty of "Sabbath-breaking" by a jury, and fined "thirty shillings," and "made to sit in the stocks one hour." In 1637, Stephen Hopkins was presented for "suffering men to drink at his house upon the Lord's day." Two years later, Web Adey was arraigned for working in his garden on

Sunday. Before the year closes he repeats the offense and is "set in the stocks" and "whipped at the post." ("Plymouth Colony Records," vol. i, pp. 44, 68, 86, 92.)

In 1649, John Shaw was set in the stocks for "attending tar pits" on Sunday, and Stephen Bryant was arrested, and "admonished," for carrying a barrel to the same pits on the same day. The next year, 1650, Edward Hunt was arrested for shooting at deer on Sunday, Gowan White and Z. Hick called to account for "traveling from Weymouth to Scituate on the Lord's day." In 1651, Elizabeth Eddy was arrested for "wringing and hanging out clothes on the Lord's day in time of service." Aurther Howland, for not attending church, and Nathaniel Basset and Joseph Pryor, for "disturbing the church of Duxburrow," were also called to answer the demands of the law. ("Plymouth Colony Records," vol. ii, pp. 140, 156, 165, 173, 174.)

In 1651–'52, Abraham Pierce, Henry Clarke, and Thurston Clarke, Jr., were arrested for lazily spending Sunday, and staying away from public service. Two or three years later, Peter Gaunt, Ralph Allen, Sen., and George Allen appeared to answer to a similar charge, and William Chase was called to answer for having driven a pair of oxen in the yoke "about five miles on the Lord's day, in time of exercise." In 1658, Lieutenant James Wyatt was "sharply reproved" for writing a business note on Sunday, "at least in the even-

ing somewhat too soon." At the same time, Sarah Kirby was "publicly whipped" for disturbing public worship, and Ralph Jones paid "ten shillings fine" for staying at home when the authorities thought he had ought to have been at church. ("Plymouth Colony Records," vol. iii, pp. 5, 10, 52, 74, 111, 112.) Similar cases might be quoted until many pages were filled, in which the reader would see that not only ordinary manual labor on Sunday was punished, but "whipping of servants," "playing at cards," "smoking tobacco," etc., were sharply dealt with. Those were times when laws were made to be executed. *Duty* was the central idea in the Puritan system, and zeal was ever on the alert to perform what conscience or law demanded. The "Blue Laws" which exist in tradition, though sometimes exaggerated, and facetiously misrepresented, are a fair index to the rigid spirit of those days. The compilations of the "Blue Laws" by Barber and Smucker are mainly, if not entirely, correct. At the time of the adoption of the State Constitutions, corporal punishment in the "stocks" and the "cage," and at the "whipping post" was becoming obsolete.

CHAPTER X.

SUNDAY LAWS OF THE STATES AND TERRITORIES OF THE UNITED STATES.

THIS chapter presents the Sunday laws of the United States in force at the close of 1887. They are condensed, to avoid verbiage, but the provisions of each are carefully given. The laws indicate the legal status of the Sunday, which, however, differs widely from its actual status. In general, these laws are "dead letter." Whoever wishes to disobey them, does so. Many of them which seem to be stringent, are open enough to "drive a coach and four through without touching." The word "necessity" admits of a broad interpretation. In some test cases courts have decided that cigars are "necessary" to those who smoke, and may be sold under that plea. The result of such indifference to law weakens regard for all legal authority. Special laws concerning the sale of alcoholic drinks on Sunday, except such provisions as are contained in the general laws, are not included in this chapter. These are generally local, and form a department of legislation by themselves.

ALABAMA.

The Sunday law of Alabama prohibits doing, or compelling child, servant, or apprentice to do, any work on Sunday, except works of daily necessity, comfort, or charity. Hunting, gaming, card-playing, and racing; keeping open store or shop, are prohibited. Penalty: not less than ten, nor more than twenty dollars for first offense, and for second and all subsequent offenses, not less than twenty, nor more than one hundred. Imprisonment in county jail, or sentence to hard labor for the county for three months, or less, may be added, after the first offense. Opening public market or shop for the purpose of selling or trading; bringing to any such market anything for trade or barter; buying or selling goods or wares, including cattle and live-stock, subjects the offender to the above-named penalties. Such offenders may be proceeded against in the ordinary way, or by indictment in city or circuit courts. A "market" is any place where people assemble for the sale or purchase of things prohibited.

This law exempts druggists, railroads, stages, steam or other vessels navigating any waters within the State, and such manufacturing establishments as need to be kept in constant operation.

All contracts made on Sunday are void, except such as are made for the advancement of religion or in the interest of works of necessity or mercy. Attachments may be made and executed if a

debtor is about to abscond, or remove his property from the jurisdiction of the State.

"Revised Code of Alabama, 1876," pp. 563, 750, 935.

Arkansas.

Arkansas prohibits all labor by self, or compelling servant or apprentice to work, except daily domestic duties of necessity, or works of charity, under penalty of one dollar for every offense. Keeping open any store, or retailing any goods or wares, keeping open any dram-shop or grocery, or selling any spirits or wine, subjects the offender to a fine of not less than ten nor more than twenty dollars, charity and necessity excepted. Horse-racing and cock-fighting for any bet or wager, or for amusement, without a bet or wager, are finable between twenty and one hundred dollars. Playing at cards in any game whatsoever, for bet, wager, or amusement, is finable from twenty-five to fifty dollars.

Hunting with a gun for game, or shooting for amusement, incurs a fine of from five to twenty-five dollars for each offense. Parents and guardians are liable for offenses of minors, if the acts be performed with their consent or approbation.

All vessels and all manufacturing establishments which need to be kept in constant operation are exempted from the provisions against labor. Persons keeping any other day religiously are also exempt. In 1885 the provision in favor

of such persons was repealed, and some persecution of Seventh-day Baptists and Seventh-day Adventists followed. Public opinion was thus aroused, and the exemption was promptly restored early in 1887.

"Mansfield Digest (official) of 1884," pp. 486–488.

Arizona.

Arizona has no Sunday law.

California.

The Sunday law of California was wholly repealed in 1883. No attempt has been made to reenact a Sunday law since that time.

Colorado.

Colorado had originally a general Sunday law, only a fragment of which remains. This prohibits opening of saloons or tippling-houses on that day; and provides a fine of one hundred dollars, or imprisonment in county jail not exceeding six months.

Connecticut.

The Sunday law of Connecticut provides that every person who shall do any secular business or labor, except works of necessity or mercy, or keep open any shop, warehouse, or manufacturing establishment, or expose any property for sale, or

engage in any sport or recreation on Sunday between sunrise and sunset, shall be fined not more than four dollars nor less than one dollar; but haywards may perform their official duties on that day.

Persons present at any concert, dancing, or other public diverson, day or evening, "shall be fined four dollars."

Prosecutions for the foregoing "shall be exhibited within one month after the offense charged."

Any person who keeps open any place where it is reputed that intoxicating liquors are exposed for sale, or any sports or games of chance are carried on or allowed, between twelve o'clock on Saturday night and twelve on the following Sunday night shall be fined forty dollars, or imprisoned thirty days, or both.

Every proprietor or driver of any vehicle, not employed in carrying the United States mail, who shall allow any person to travel thereon on Sunday between sunrise and sunset, is subject to a fine of twenty dollars.

Sabbatarians who conscientiously observe Saturday, and disturb no other person while attending public worship on Sunday, are free from the penalties of this law.

A civil process served between sunrise and sunset on Sunday is void.

Any justice of the peace may arraign for trial and condemnation on his own personal knowledge.

In 1883, the act against the letting of vehicles was repealed.

"Revised Statutes of Connecticut, 1875," pp. 398, 521, 522, 523. "Public Acts of 1882," p. 124. "Public Acts of 1883," p. 17.

The foregoing statute was amended in 1887 as follows:

1. No corporation, company, or association operating any railroad in this State, shall run any train on any road operated by it within this State, between sunrise and sunset on Sunday, except from necessity or mercy; *always provided*, that before ten o'clock and thirty minutes in the forenoon and after three o'clock in the afternoon it may run trains carrying the United States mail, and such other trains or classes of trains as may be authorized by the railroad commissioners of this State, on application made to them on the ground that the same are required by the public necessity, or for the preservation of freight.

2. No such corporation, company, or association shall permit the handling, the loading, or the unloading of freight on any road operated by it, or at any of its depots or stations within this State, between sunrise and sunset on Sunday, except from necessity or mercy.

3. Every such corporation, company, or association which shall violate any of the foregoing provisions of this statute shall forfeit and pay the sum of two hundred and fifty dollars for any such violation, to be recovered by the State treasurer in an action of debt on this statute.

4. No such corporation, company, or association

shall transport passengers on Sunday, upon any train deemed necessary according to the intent of section one of this act, for less than the highest regular fare collected on week days, and no commutation, special bargain, or season or mileage ticket shall include or provide for any travel on said day, under a penalty of fifty dollars for each and every violation of this provision, to be recovered by the State treasurer in an action of debt on this statute.

5. This act shall not be construed as repealing or superseding existing statutes which prohibit secular work or recreation on Sunday, except so far as it may be found in its operation to be inconsistent with them.

Approved, March 11, 1887.

"Public Acts of the State of Connecticut, January Session, 1887," pp. 665, 666.

Dakota.

Dakota prohibits servile labor, public sports, trades, manufacturing and mechanical employments, public traffic, and legal processes, under a general penalty of one dollar for each offense.

This law permits works of necessity and mercy. It also allows the sale of milk, meats, and fish, before 9 A. M., or food to be eaten on the premises at any time; drugs, medicines, and surgical appliances. Legal processes may be served in case of a breach of the peace.

Any service of a civil process upon those who keep the seventh day, is held to be a misdemeanor. Sunday is reckoned from midnight to mid-

night. Justices of the peace may receive complaints, issue processes, and take bail on Sunday.

"Revised Code of Dakota," vol. ii, 1883, pp. 439, 1142, 1143.

Delaware.

Delaware prohibits all worldly employment, labor, or business, under penalty of four dollars fine; failure to pay which, with costs, subjects to imprisonment for twenty-four hours, or less. All kinds of traveling and the exposure of any kind of goods for sale, incurs a penalty of eight dollars, with imprisonment for twenty-four hours in default of payment. Any justice of the peace may arrest and detain any one found traveling. Fishing, fowling, horse-racing, cock-fighting, hunting, engaging in any game, play, or dance, incurs a fine of four dollars, and imprisonment, as above.

All forms of liquor-selling are prohibited.

Justices of the peace have full jurisdiction in all cases.

This law permits works of necessity and mercy.

"Revised Code of Delaware of 1874," pp. 262, 782, 783.

Florida.

Florida prohibits all forms of business, trade, or manual labor, with animals or mechanical power, except works of necessity, or those which are

justified by "accident or circumstance of the occasion"; all disposing of goods of any kind, by sale or barter, except in emergencies or necessity, which may justify selling comforts and necessaries of life, without keeping open doors. General penalty: twenty to fifty dollars. Employment of apprentices or servants illegally incurs a penalty of ten dollars. The use of fire-arms for hunting or target-shooting is prohibited under penalty of five, to twenty-five dollars. Fishing for shad within the State between sundown on Saturday and sunrise on Monday is forbidden.

McLellan's "Digest" (official) of 1881, pp. 425, 433.

Georgia.

Georgia prohibits keeping open tippling-houses, day or night; running of freight-trains, except those carrying live-stock, which may run to usual points for water and feed; it permits trains running Saturday night to run to destination, if schedule time is not later than 8 A. M., on Sunday; all forms of business and labor, except works of necessity and mercy; all hunting with dogs or guns, or both, are forbidden.

All misdemeanors under the Sunday law are finable in any sum under one thousand dollars, or imprisonment not to exceed six months, or hard labor in chain-gang, not to exceed twelve months. One or more of these penalties may be ordered at the discretion of the court.

Bathing on Sunday, in sight of any highway leading to or from any house of worship, incurs a fine not exceeding five hundred dollars, or imprisonment in county jail not to exceed six months.

"Georgia State Code," L. R. & H., of 1882, pp. 1184, 1196, 1197.

Idaho Territory.

"No shop-keeper, merchant, saloon-keeper, or other person, except apothecaries and druggists, shall keep open the front door of any shop, store, saloon, or other place of business, between the hours of ten o'clock in the forenoon, and three o'clock in the afternoon," under penalty of fine from twenty to fifty dollars.

Nearly all civil processes are permitted in case of emergency.

"Revised Statutes of Idaho of 1874–'75," pp. 844, 845.

Illinois.

Whoever keeps open any tippling-house or place where liquor is sold or given away, upon the first day of the week, commonly called Sunday, shall be fined not exceeding two hundred dollars. Sunday shall include the time from midnight to midnight.

Whoever disturbs the peace and good order of society by labor (works of necessity and charity excepted), or by any amusement or diversion, on

Sunday, shall be fined not exceeding twenty-five dollars. This does not apply to watermen or railroads, as to "landing their passengers," nor to watermen as to "loading and unloading their cargoes," or to ferrymen, or to persons removing their families; nor does it prevent the "due exercise of the rights of conscience by whoever thinks proper to keep any other day as a Sabbath." Disturbing a private family incurs a fine of twenty-five dollars.

Contracts made on Sunday are valid. Writs may be served on emergency. Injunctions may be served in case of urgent necessity.

"Revised Statutes of 1880," p. 396. Also, "Annotated Statutes," S. & B., pp. 316, 824, 1289.

Indiana.

Whoever, being over fourteen years of age, is found, on the first day of the week, commonly called Sunday, rioting, hunting, fishing, quarreling, at common labor, or engaged in his usual avocation (works of charity and necessity only excepted), shall be fined in any sum not more than ten nor less than one dollar; but nothing herein contained shall be construed to affect such as conscientiously observe the seventh day of the week as the Sabbath, travelers, families removing, keepers of toll-bridges and toll-gates and ferrymen acting as such.

Attachments may be served where the debtor is about to abscond. Executions may be issued when plaintiff fears loss of judgment. Civil pro-

cess may be issued, when its object would otherwise be defeated.

Recognizance of legal papers is valid. Selling, giving away, or bartering intoxicating liquors incurs a fine from ten to fifty dollars and imprisonment from ten to sixty days.

"Revised Statutes of 1881," pp. 133, 176, 277, 322, 375, 395.

Iowa.

If any person be found on the first day of the week, commonly called Sabbath, engaged in any riot, fighting, or offering to fight, hunting or shooting, carrying fire-arms, fishing, horse-racing, dancing, or in any manner disturbing any worshiping assembly or private family, or in buying or selling property of any kind, or in any labor, the work of necessity and charity only excepted, every person so offending shall, on conviction, be fined in a sum not more than five dollars, nor less than one dollar, to be recovered before any justice of the peace in the county where such offense is committed, and shall be committed to the jail of said county until the said fine, together with the costs of prosecution, shall be paid; but nothing herein contained shall be construed to extend to those who conscientiously observe the seventh day of the week as the Sabbath, or to prevent persons traveling, or families emigrating from pursuing their journey, or keepers of toll-bridges, toll-gates, and ferrymen from attending the same.

"Revised Statutes of Iowa of 1886," pp. 971, 972.

Kansas.

All labor, in person or by proxy, except works of daily and general necessity and of charity, is forbidden, and finable twenty dollars or less. Observers of Saturday and ferrymen are exempted. Horse-racing, cock-fighting, and games of all kinds incur penalty, not exceeding fifty dollars. Sale, or exposure for sale, of goods, merchandise, fermented or distilled liquors (drugs, medicines, provisions, or other articles for immediate use excepted) incurs a fine of fifty dollars or less. Civil service, in a matter of *habeas corpus*, is permitted on emergency. Those who observe Saturday are free from civil service on that day, and any effort to serve process on such is punishable. Hunting and shooting are finable from five to twenty dollars.

"Compiled Laws of Kansas (Dassler), 1885," pp. 358, 813, and "Session Laws of 1886," p. 138.

Kentucky.

Prosecutions for . . . Sabbath-breaking . . . shall be commenced within six months after the offense is committed, and not after.

No work or business shall be done on the Sabbath-day, except the ordinary household offices or other work of necessity or charity. If any person on the Sabbath-day shall himself be found at his own or any other trade or calling, or shall employ his apprentices or other person in labor or other business, whether the same be for

profit or amusement, unless such as is permitted above, he shall be fined not less than two, nor more than fifty dollars for each offense. Every person or apprentice so employed shall be deemed a separate offense. Persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalty prescribed in this section, if they observe as a Sabbath one day in each seven, as herein prescribed.

If any person shall hunt game with a gun or dogs on the Sabbath-day, he shall be fined not less than five nor more than fifty dollars for each offense.

That no game shall be permitted to be played on such (billiard) table, on the Sabbath-day, under the penalty of an absolute forfeiture of the license.

"General Statutes of Kentucky (B. and F.), 1881," pp. 344, 747.

LOUISIANA.

Louisiana had no Sunday law until June, 1886. The following law was then passed:

Be it enacted by the General Assembly of the State of Louisiana, that from and after the 31st day of December, A. D. 1886, all stores, shops, saloons, and all places of public business, which are or may be licensed under the law of the State of Louisiana, or under any parochial or municipal law or ordinance, and all plantation-stores, are hereby required to be closed at twelve o'clock on Saturday nights, and to remain closed continuously for twenty-four (24) hours, during which period of time it shall not be lawful for the proprietors thereof to give,

trade, barter, exchange, or sell any of the stock or any article of merchandise kept in any such establishment.

Be it further enacted, etc., that whosoever shall violate the provisions of this act, for each offense shall be deemed guilty of a misdemeanor, and, on trial and conviction, shall pay a fine of not less than twenty-five dollars, nor more than two hundred and fifty dollars, or be imprisoned for not less than ten days nor more than thirty days, or both, at the discretion of the court; provisions of this act shall not apply to newsdealers, keepers of soda-fountains, places of resort for recreation and health, watering-places or public parks, nor prevent the sale of ice.

Be it further enacted, etc., that the provisions of this act shall not apply to newspaper-offices, printing-offices, book-stores, drug-stores, apothecary-shops, undertaker's shops, public and private markets, bakeries, dairies, livery-stables, railroads, whether steam or horse, hotels, boarding-houses, steam-boats and other vessels, warehouses for receiving and forwarding freights, restaurants, telegraph offices and theatres or any place of amusement, providing no intoxicating liquors are sold on the premises; provided, that stores may be opened for the purpose of selling anything necessary in sickness and for burial purposes; provided that nothing in this act shall be construed so as to allow hotels or boarding-houses to sell or dispose of alcoholic liquors, except wine for table use, on Sundays; and provided further that no alcoholic, vinous or malt liquors shall be given, traded, or bartered or sold or delivered in any public place on said day, except when actually administered or prescribed by a practicing physician in the discharge of his professional duties in case of sickness; in such case the physicians

administering the intoxicating liquors may charge therefor.

Be it further enacted, etc., that all laws or parts of laws contrary to or inconsistent with the provisions hereof, be, and the same are hereby, repealed. ("Acts of Louisiana of 1886," pp. 28, 29.)

MAINE.

Maine prohibits as follows:

Whoever, on the Lord's day, keeps open his shop, work-house, warehouse, or place of business, travels or does any work, labor, or business on that day, except works of necessity or charity; uses any sport, game, or recreation; or is present at any dancing or public diversion, show or entertainment encouraging the same, shall be punished by a fine not exceeding ten dollars.

Sunday by statute extends from twelve o'clock Saturday night to twelve o'clock on Sunday night. Those who observe the seventh day are allowed to work on Sunday.

Inn-keepers and victualers who permit strangers or lodgers to drink, idle, play, or perform secular work on their premises are finable four dollars for each person; on second conviction ten dollars or less; the third conviction annuls their license. Each guest so offending is also finable to the amount of four dollars.

The hunting or destroying of birds or other game is prohibited. No civil process can be legally served, and the person attempting to serve one

is liable for damages. All contracts made on Sunday are void, though the date alone is not sufficient testimony. No one may plead a contract void without restoring the consideration. Tythingmen, or any other person may prosecute violators, within six months.

"Revised Statutes of Maine of 1883," pp. 330, 687, 710, 906, 907.

Maryland.

All forms of bodily labor by self or by others are prohibited, except necessity and charity; all gaming, fishing, fowling, hunting, and unlawful pastimes or recreations, under fine of five dollars. Catching oysters on Sunday, day or night, is finable from fifty to five hundred dollars. Selling, or otherwise disposing of tobacco, cigars, candy, soda or mineral waters, spirituous or fermented liquors of any kind, or any other goods or chattels, incurs a fine of from twenty to fifty dollars for first offense; for second offense, from fifty to five hundred dollars, together with imprisonment from ten to thirty days, and the loss of "license," which can not be renewed for twelve months, to the party offending, or for the place where offense has been so committed.

Any person convicted more than twice shall, for each occasion, suffer imprisonment from thirty to sixty days, and shall be fined double the sum last imposed, and suffer loss of "license" for two

years. Dealers in milk and ice, and their customers, and apothecaries putting up *bona-fide* prescriptions, are exempt.

It is also forbidden to open or use any dancing-saloon, barber-shop, opera-house, or ten-pin alley, under penalty of fifty to one hundred dollars for first offense; and from one to five hundred for the second offense, with imprisonment from ten to thirty days; for each conviction after the second, the fine is double the one last paid, with imprisonment from thirty to sixty days. In 1886, the permission to deliver ice was repealed.

"Revised Statutes of 1878," pp. 148, 811, 812.

Massachusetts.

Massachusetts prohibits all traveling, all work, labor, or business, and all opening of business places—necessity and charity excepted—and all attendance on, or participation in, any sport, game, or play, under penalty not to exceed ten dollars. Prohibition of traveling does not constitute a defense in case of "tort or injury" suffered by one traveling.

No place of public entertainment may entertain any except travelers, strangers, or lodgers, nor allow any person to loiter, idle, play, or do secular work on or about their premises, under penalty of fifty dollars, or less, for each person so entertained or permitted; after second offense, one hundred dollars, or less; and for third offense, the offender

is rendered unable to hold a license, in addition to the fine. Whoever is present at any public game or diversion, sacred concerts excepted, unless the same be licensed, is finable five dollars or less. If a keeper of any place of public entertainment shall entertain, or permit persons not travelers, lodgers, or strangers, to drink and spend time in idleness on his premises, he incurs a penalty of five dollars for each person.

The serving of a civil process is forbidden, and the party attempting such service is liable for damages. Arrests may be made for malicious mischief, without warrant. Courts may not open, but prisoners may be bailed. Indecent behavior in any house of public worship on Sunday incurs a fine of ten dollars. Sheriffs, grand jurors, and constables are bound to inquire after offenses against the Sunday law, and report the same. Prosecutions must be made within six months. Any person keeping, or suffering to be kept, implements for gaming, such as are used for hire, gain, or reward, shall be fined for first offense not exceeding one hundred dollars, or imprisonment in house of correction not exceeding six months; for each subsequent offense, imprisonment not exceeding one year, together with required sureties for good behavior. Discharging fire-arms in pursuit of game or for amusement, fine, not exceeding ten dollars; the same penalty for fishing, in any way. All prosecutions on these points to be within thirty days. All sale of liquors, malt

or spirituous, is forbidden between the hours of 12 at night and 6 A. M., except that licensed innholders may supply liquor to guests. Railroad commissioners may authorize such "through trains" as they deem to be a public necessity or convenience.

"Public Statutes of Massachusetts, 1882," pp. 427, 519–521, 1152, 1191.

During the session of 1887, the foregoing law was practically annulled by the following amendments:

Section 1 of Chapter 98 of the public statutes is hereby amended by striking out in the third line thereof the words "or upon the evening next preceding the Lord's day."

Section 2 of said chapter is hereby amended by adding at the end thereof the following: "but nothing in this section shall be held to prohibit the manufacture and distribution of steam, gas, or electricity for illuminating purposes, heat, or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered by the prescription of a physician, nor mechanical appliances used by physicians or surgeons, nor the letting of horses and carriages, nor the letting of yachts and boats, nor the running of steam ferry-boats on established routes, of street-railroad cars, nor the preparation, printing, and publishing of newspapers, nor the sale and delivery of newspapers, nor the retail sale and delivery of milk,

nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of public bath-houses, nor the making or selling by bakers or their employés of bread or other food usually dealt in by them before ten of the clock in the morning, and between the hours of four of the clock and half past six of the clock in the evening.

Section 13 of Chapter 98 of the public statutes is hereby amended by striking out the word "travel" therefrom, and Section 15 of same chapter is hereby amended by striking out the word "through" therefrom, and by inserting after "running," "of such steamboat lines and."

Section 3 of Chapter 98 of the public statutes, and Chapter 82 of the acts of the year 1886, are hereby repealed.

Approved June 9, 1887.

"Acts and Resolves of Massachusetts, 1887," p. 1000, chap. 391.

Michigan.

Michigan prohibits keeping open any place of business, shop, warehouse, or work-house, or being present at, or taking part in, any public diversion, show, or entertainment, game, or play. Works of necessity and charity, contracts of marriage, and solemnization of the same are excepted. Penalty, ten dollars, or less.

No place of public entertainment is permitted to entertain any but actual travelers, nor permit any to be idle, or to play upon the premises, under penalty of five dollars for each person so

entertained or permitted; ten dollars for the second offense, and loss of "license" for third offense; every person so abiding or drinking is finable five dollars. No one may be present at any public gathering—except a religious meeting or sacred concert—under penalty of five dollars. Civil process served on Sunday is void, and one serving it is liable for damages. Time of Sunday, from midnight to midnight. Those who observe the seventh day may pursue their business without disturbing others. Interrupting religious worship on Sunday incurs penalty from two to fifty dollars, or imprisonment for thirty days, or less.

All selling of liquor is forbidden. Courts may not be opened except to instruct or discharge a jury, receive a verdict, or such criminal cases as demand immediate action. Game and fish wardens may make arrests on Sunday.

Howell's "Annotated Statutes of Michigan, 1882," pp. 543–545, 598, 1838; also, "Session Laws of 1887," p. 28.

Minnesota.

Minnesota defines Sunday from midnight to midnight. Prohibits all labor excepting necessity or charity, which includes "whatever is needful during the day for the good order, health, or comfort of the community." Prohibits all shooting, hunting, fishing, horse-racing, gaming, or other

public sports, exercises, or shows, and all noise disturbing the peace of the day:

All trades, manufactures, and mechanical employments, except that when the same are works of necessity, they may be performed on that day in their usual and orderly manner, so as not to interfere with the repose and religious liberty of the community:

All manner of public selling or offering for sale of any property, except that articles of food may be sold and supplied at any time before ten o'clock in the morning, and except also that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared tobacco in places other than where spirituous or malt liquors or wines are kept or offered for sale: and fruit, confectionery, newspapers, drugs, medicines, and surgical appliances may be sold in a quiet and orderly manner at any time of the day:

All service of legal process of any kind, except in cases of breach of the peace, or apprehended breach of the peace when sued out for the apprehension of a person charged with crime, or except where such service is specially authorized by statute.

Sabbath-breaking is a misdemeanor, punishable by a fine not less than one dollar and not more than ten dollars, or by imprisonment in a county jail not exceeding five days, or by both.

"General Statutes of Minnesota, 1883," p. 922.

Mississippi.

Mississippi prohibits all labor and business, in person, or by proxy, except household duties, and

works of necessity and charity, under penalty of twenty dollars, or less. Railroading and steamboating are exempt. No place of business, shop, or store, except apothecaries' and druggists', may be opened for sale or barter, under same penalty as above. All sorts of public shows and games, horse-racing, and the like, are prohibited under penalty of fifty dollars, or less. Hunting or fishing, in any way, incurs a penalty of from five to twenty dollars. Any licensed place where liquors are sold, keeping open, incurs a penalty of fifty to one hundred dollars.

Attachments may be issued and executed on Sunday. Injunctions may be granted and served, and all remedial processes may be undertaken, according to the judgment of the judge or chancellor.

"Revised Code of Mississippi, 1880," pp. 524, 669, 769, 770.

Missouri.

Every person who shall either labor himself, or compel or permit his apprentice, or servant, or any other person under his charge or control, to labor or perform any work other than the household offices of daily necessity, or other works of necessity or charity, or who shall be guilty of hunting game or shooting on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding fifty dollars.

The last section shall not extend to any person who

is a member of a religious society by whom any other than the first day of the week is observed as a Sabbath, so that he observes such Sabbath ; nor to prohibit any ferry-man from crossing passengers on any day of the week.

Every person who shall be convicted of horse-racing, cock-fighting, or playing at cards or games of any kind, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding fifty dollars.

Every person who shall expose for sale any goods, wares, or merchandise, or shall keep open any ale or porter house, grocery or tippling shop, or shall sell or retail any fermented or distilled liquor on the first day of the week, commonly called Sunday, shall, on conviction, be adjudged guilty of a misdemeanor, and fined not exceeding fifty dollars.

The last section shall not be construed to prevent the sale of any drugs or medicines, provisions or other articles of immediate necessity.

"Revised Statutes of Missouri, 1879," p. 274.

Montana.

Montana prohibits open play-houses, theatres, dance-houses, prize-rings, race-courses, or banking-games at cards, on Sunday, under penalty of from one to one hundred dollars, or imprisonment in county jail from one to thirty days, or both.

"Codified Statutes of Montana of 1871–'72," p. 302.

NEBRASKA.

In Nebraska, no court can be opened, nor can any judicial business be transacted, except to give instructions to a jury then deliberating on their verdict; to receive a verdict, or discharge a jury; to exercise the powers of a single magistrate in a criminal proceeding.

Every person who shall sell or give away any malt, spirituous, or vinous liquors, at any time during the first day of the week, shall forfeit and pay for every such offense the sum of one hundred dollars.

If any person of the age of fourteen years or upward shall be found on the first day of the week sporting, rioting, quarreling, hunting, fishing, or shooting, he or she shall be fined in a sum not exceeding twenty dollars, or be confined in the county jail for a term not exceeding twenty days, or both, at the discretion of the court. Any person of the age of fourteen years or upward found on the first day of the week at common labor (work of necessity and charity only excepted), may be fined in any sum not exceeding five dollars nor less than one dollar; provided, nothing herein contained shall be construed to extend to those who conscientiously do observe the seventh day of the week as the Sabbath, nor to prevent families emigrating from traveling, watermen from landing their passengers, superintendents or keepers of toll-bridges or toll-gates

from attending and superintending the same, or ferry-men from conveying travelers over the water, or persons moving their families on such days, or to prevent railway companies from running necessary trains.

"Compiled Statutes of Nebraska of 1887," pp. 328, 498, 839, 912.

In 1879 cities of the first class were empowered to regulate Sunday observance within their own borders.

"Laws of 1879," p. 96.

Nevada.

Nevada prohibits all open play-houses, theatres, race-courses, and all games of chance for gain, and all noisy amusements on Sunday. No judicial business is allowed, except where juries have a case in charge. Civil service may be executed in cases demanding immediate attention. The penalty for violation is a fine of not less than thirty nor more than two hundred dollars.

"General Statutes of Nevada, 1885," pp. 1077, 1078.

New Hampshire.

No person shall do any work, business, or labor of his secular calling, to the disturbance of others, works of necessity and charity excepted, on the first day of the week, commonly called the

Lord's day; nor shall any person use any play, game, or recreation on that day or any part thereof"; the penalty being a fine of six dollars.

No person shall keep open his shop, warehouse, cellar, restaurant, or workshop for the reception of company, or shall sell or expose for sale any merchandise whatsoever on the first day of the week, commonly called the Lord's day; but this section shall not be construed to prevent the sale of bread from bakeries, or drugs and medicines," or the entertaining of boarders, or the sale of milk and other necessaries of life. The general penalty is a fine of ten dollars or thirty days' imprisonment, or both.

Sunday by decision extends from midnight to midnight.

"Revised Statutes of New Hampshire of 1878," pp. 617, 618; and "Laws of 1883," p. 62.

New Jersey.

The Sunday law of New Jersey is very elaborate.

It prohibits all traveling and all worldly business on land or water, necessity and charity excepted; all shooting, hunting, fishing, in all forms —with extra penalties for seine-fishing—all gaming, and all kinds of games or diversions, under penalty of one dollar. Exposing or offering anything for sale incurs a penalty of ten dollars. In default of fine, or when the same is not collectable,

imprisonment under ten days. Persons traveling for business purposes may be stopped by any constable or other citizen, and detained till next day. Railroads may run one passenger-train each way, to accommodate the people of the State. No freighting is allowed, except of milk. Ferry-boats may make regular trips. No private transportation is allowed by wagons or vehicles of any kind. No stage may be driven through any part of the State for ordinary purposes, without being subject to arrest and detention until Monday, at expense of the owner, and a fine of eight dollars.

Civil service not allowed except in criminal cases and breach of the peace, disorderly persons, and men charged with bastardy. Any effort to serve papers not excepted makes one liable to action for damages.

Those who observe the seventh day are exempt from the general provisions concerning labor, if their labor be done on their own premises, and without disturbing others; also from civil service, except in criminal cases; from labor on highways, and from military duty on Saturday. They may not openly expose merchandise for sale on Sunday.

The selling of liquors on Sunday, under a general license, makes one liable to arrest for keeping a "disorderly house," with such pains and penalties as those imposed on "keepers of gambling-houses, houses of prostitution, and other common nuisances." Inns and taverns are forbidden to

sell any intoxicating liquors, under the same penalty as for selling without a license on other days, and an added fine not exceeding twenty dollars and costs of prosecution. Hunting with any weapons, with or without dogs, or taking game in any trap or snare or devise, incurs a penalty of twenty-five dollars for every offense. Those who keep Saturday may hunt on their own premises.

"Revised Statutes of New Jersey, 1877," pp. 238, 450, 495, 1227–1231, 1234; also, "Session Laws of 1884," p. 218, and of 1885, p. 179.

New Mexico.

Any person or persons who shall be found on the first day of the week, called Sunday, engaged in any games or sports, or in horse-racing, cock-fighting, dancing, or in any other manner disturbing any worshiping assembly, or private family, or in buying or selling any goods, wares, or merchandise, chattels or liquors, or any other kind of property, or in holding or attending any public meeting or public exhibition, except for religious worship or instruction; or engage in any labor, except works of necessity, charity, or mercy; or who shall keep open any store, shop, or office, or other place of business, or place for the display of goods, wares, or merchandise, shall be punished by a fine not exceeding fifty dollars, nor less than ten dollars, for the first offense, and for the second or any subsequent offense, by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment of not less than five, nor more than twenty days, in the discretion of the court or jus-

tice, upon conviction before any district court, or justice of the peace; one half to the court, and one-half to the school fund.

Provided, that travelers, keepers of ferry-boats, livery-stables, hotels and restaurants, and barbers, may pursue their vocation; and that butchers and bakers may sell meat and bread and like articles, but not liquors or general merchandise; apothecaries may sell and deliver drugs, medicines, and surgical instruments on that day.

It shall always be lawful to irrigate fields, or to remove grain and other products, in cases of necessity. Civil process may not be served, except in cases where there is liability to loss or serious inconvenience.

Time of Sunday, "sunrise to midnight of the same day."

"Compiled Laws of New Mexico of 1884," pp. 490, 491.

New York.

Under the general Sunday law of New York, no civil process, warrant, etc., can be served or executed, except in cases of real or apprehended "breach of the peace," or such crimes and misdemeanors as are connected with the law itself. It also provides that "there shall be no sporting, hunting, fishing, playing, horse-racing, frequenting tippling-houses, or unlawful exercises or pastimes, on the first day of the week, called Sunday; nor shall any person travel on that day, unless in cases of charity or necessity, or in going to or from some church or place of public worship within

the distance of twenty miles, or in going for medical aid or medicines, or in visiting the sick and returning; or in carrying the mail of the United States, or in going express by order of some public officer, or in removing one's family or household furniture when such removal was commenced on some other day. Nor shall there be any servile labor or recreation or working on that day, except works of necessity and mercy, unless done by some person who uniformly keeps the last day of the week, called Saturday, as holy time.

The penalty for each offense is one dollar in the case of persons over fourteen years of age.

The selling of goods, fruits, herbs, etc., on Sunday, except meats, milk, and fish, before nine o'clock, is forbidden. Articles exposed for sale on that day are forfeited for the use of the poor, etc.

No keeper of any inn or tavern, or of any ale or porter house, or grocery, or any person authorized to retail strong or spirituous drinks, shall on Sunday sell or dispose of any ale, porter, strong or spirituous drinks, except to lodgers or persons legally traveling on that day according to law, under penalty of two dollars and a half for each offense.

A law of special application to the city of New York, passed in 1860, forbids various kinds of exhibitions on Sunday, under heavy penalties.

A law passed in 1872 forbids processions on Sunday, except funeral processions and such as go

from churches in connection with religious services there, on penalty of twenty dollars.

A special act forbids "shooting, hunting, or trapping" on Sunday, under penalty of not less than ten dollars, nor more than twenty-five, for each offense, or imprisonment for not less than five nor more than twenty days.

Those who conscientiously observe Saturday are free from the general law against labor, as noted above. They are also free from jury duty and from military service on that day, except in cases of public peril. Any person who knowingly or maliciously procures the service of a civil process upon one keeping Saturday from a justice's court, or makes one returnable on that day, is made subject to a fine of one hundred dollars, or imprisonment for thirty days, or both.

Prosecutions under the Sunday law must be made within twenty days. Civil process may be served in special cases and emergencies.

"Revised Statutes of New York to 1881," seventh edition, vol. iii, 1882, pp. 1975, 1976, 2106, 2148, and vol. i, p. 732.

In 1882, a special act, covering the city and county of New York, was passed, forbidding all shows—theatrical, operatic, etc.—under penalty of five hundred dollars, and other penalties connected with the occupancy of the property where such shows are held; also one against noisy parades and processions on Sunday, under penalty

of twenty dollars or less, or imprisonment ten days or less, as the court may adjudge.

"Session Laws of New York, 1882," pp. 472, 484.

In 1883 the Sunday law of New York State was much weakened by several amendments to the penal code. Under these amendments "works of necessity and charity include whatever is needful during the day for the good order, health, or comfort of the community. . . . Trades, manufactures, agricultural or mechanical employments," when necessary, may be performed "in their usual, ordinary manner, so as not to interfere with the repose and religious liberty of the community. . . . Articles of food may be sold and supplied at any time before 10 A. M. . . . meals on the premises or elsewhere, prepared tobacco, fruit, confectionery, newspapers, drugs, medicines, and surgical appliances may be sold at any time during the day."

"Session Laws of 1883," p. 541.

In 1885 an act was passed, making it a sufficient defense against prosecution for work or labor on Sunday, that the offender "uniformly keeps another day as holy time, and does not disturb others in keeping Sunday holy"

"Session Laws of 1885," p. 875.

North Carolina.

Prohibits all ordinary work or business, on land or water, necessity and charity excepted; all hunting, fishing, fowling, games, sports, or plays,

by persons above fourteen years of age, under penalty of one dollar. No intoxicating liquors, malt, distilled, or other, may be sold, except upon the prescription of a physician for medicinal purposes, under fine or imprisonment, at the option of the court.

In 1879 it was enacted that no railroad company should run any locomotive or cars within the State, except those carrying United States mail, or passengers and mails; this law covered the time from sunrise to sunset; trains *in transitu* being permitted to run until 9 A. M., in order to reach usual terminus, or the shops of the company. In 1885 similar permission was granted to trains made up exclusively of perishable freight and live-stock. Loading and unloading freight-cars are forbidden. Railroad officials, offending in any of these particulars, may be indicted in each county through which the trains pass, and fined not less than five hundred dollars for each offense. Fishing with nets of any kind not fastened to stakes is forbidden except in the counties of Carteret and Onslow (where "established seines" may be used), under penalty of two hundred to five hundred dollars, or imprisonment for twelve months.

"Revised Statutes of North Carolina, 1873," p. 835; "Session Laws of 1876–'77," pp. 83, 84; "Session Laws of 1879," pp. 182, 359; "Laws or 1883," p. 508, and "Laws of 1885," pp. 141, 261.

Ohio.

Prohibits all persons over fourteen years of age from sporting, rioting, quarreling, hunting, fishing, or shooting on Sunday, under penalty of not more than twenty dollars or imprisonment not more than twenty days, or both; complaint to be made within ten days. Common labor is forbidden under penalty of not more than five dollars; from this provision are exempted those who conscientiously observe the seventh day, families emigrating, watermen landing passengers, or attending toll-bridges. Whoever sells or barters any spirituous liquors incurs a fine of five dollars or less. Ordinary arrests can not be made on Sunday.

"Revised Statutes of Ohio of 1886," vol. ii, pp. 1149, 1463, 1478.

Oregon.

Prohibits the opening of any place of business for labor or traffic, any place of amusement, or any tippling-shop, under penalty of five to fifty dollars. Open saloons, which are not taverns, are forbidden under penalty of ten to twenty-five dollars. The general provision excepts drug-stores, doctors' shops, undertakers' shops, livery-stables, butchers, and bakers. Also, all circumstances of necessity and mercy may be offered in defense; courts may be opened to instruct a deliberating jury, receive a verdict, discharge a jury,

or in criminal cases. A civil process is void, and an attempt to serve such process is punishable by a fine of from five to fifty dollars.

"Hill's Annotated Laws of Oregon, 1887," pp. 957, 959, 962.

PENNSYLVANIA.

Under the general law of Pennsylvania no civil process can be served, except in case of treason, felony, or breach of the peace. Canals and railroads can not be compelled to attend their works, in order to expedite travel. All worldly labor or employment or business whatsoever — necessity and charity excepted—is forbidden; also unlawful games, shooting, hunting, or any diversions whatsoever, under penalty of four dollars. The general provision allows for preparing necessary food, landing passengers by water-men, removing families *in transitu*, delivering milk and other necessaries of life, before 9 A. M. and after 5 P. M. All prosecutions to be made within seventy-two hours.

Persons found drinking or tippling in public houses or places shall pay one shilling and sixpence to any constable, on demand, for each offense; and all constables are bound to search suspected places for offenders, and disperse them when found. If they refuse, the officer may bring them before the nearest justice of the peace, who may place them in the stocks, or bind them to their good behavior, at will.

If the keeper of any public place shall counte-

nance or tolerate any breaking of the law on his premises, he may be arrested on the view of any one magistrate, on his own confession, or the testimony of one witness, and fined ten shillings for each offense. Food and drink for travelers and lodgers, in moderation, and for refreshment only, are excepted, the magistrate to judge what "moderation" is, if complaint be made. It is also unlawful to sell, trade, or barter any spirituous, malt, or fermented liquors, or for the keeper of any public place to allow any one to be drunk on or within his premises, under penalty of fifty dollars.

Hunting, shooting, fishing, and trapping are forbidden under penalty of five to twenty-five dollars. Court decisions allow justices to make forcible entry for a better view of offender; make a conviction valid, though it does not state the time when, nor place where the work was done; and refuses exemption to those who observe the seventh day.

"Digest of the Laws of Pennsylvania," Brightley's Purdon, 1883, pp. 835, 1571–1573, 2232, and "Criminal Code," Shields, 1883, pp. 242, 243.

Rhode Island.

Prohibits all ordinary labor, business, or work; all games, sports, play, and recreation, or the permitting of these by parents or guardians—necessity and charity excepted—under fine of five dollars for the first offense, and ten for all subsequent

offenses; to employ or encourage the servant of another person incurs the same penalties. All complaints to be made within ten days. Jews and Christians who keep the seventh day may pursue their ordinary avocations, but may not open shops or stores, or lade, unlade, or fit out vessels, nor work at the smith's business or any mechanical trade (except in the compact villages in the towns of Westerly and Hopkinton), nor fish, nor hunt in public places, nor off from their own possessions. In case of dispute as to who is entitled to the benefit of these exceptions, a certificate from a regular pastor or priest, or from any three members of any Sabbath-keeping church or society, showing the party to be a regular member of the same, shall be conclusive evidence.

"Revised Statutes of 1882," pp. 686, 687.

South Carolina.

Prohibits all "worldly" business, work, or labor —necessity and charity excepted—by any person of fifteen years or upward, under a penalty of one dollar. All goods, wares, fruits, chattels, etc., showed forth or cried for sale are forfeited. No public sports or pastimes whatever are allowed under penalty of one dollar; trial justices, within their respective counties, may summon any offender on their own view, or confesson of the party, or testimony of one or more witnesses; and may seize goods and impose penalties. Persons

keeping gaming-tables, and permitting games thereon, on Sunday, are liable to fine of fifty dollars. No civil process may be served except for felony, treason, or breach of peace. Railroad corporations are prohibited from running trains, loading or unloading cars—except mail-trains, and construction or other trains made necessary by extraordinary emergencies. Trains delayed by accident may run to the place where they are accustomed to rest. Willful violation of these provisions incurs a fine of five hundred dollars.

"General Statutes of South Carolina, 1882," pp. 203, 442, 443, 483, 484, 728.

Tennessee.

Prohibits all "common avocations," by persons or children or servants—real necessity and charity excepted—under penalty of three dollars. Hunting, fishing, gaming, or being drunk, incurs the same penalty. Any justice of the peace may have jurisdiction. Any licensed grocer or other person who retails spirituous liquors on Sunday, is liable to fine or imprisonment at the discretion of the court. The constitution of Tennessee provides that, in time of peace, no person shall be required to perform any public service on any day which he observes religiously as a day of rest. Private contracts are valid if made outside of one's regular business.

"Code of Tennessee," M. and V., 1884, pp. 397, 1085.

Texas.

Prohibits labor by one's self, or compelling employés or apprentices to labor, under penalty of ten to fifty dollars. This clause is practically nullified by the next, which is as follows:

The preceding article shall not apply to household duties, works of necessity or charity; nor to necessary work on farms or plantations in order to prevent the loss of any crop; nor the running of steamboats and other water-crafts, rail-cars, wagon-trains, common carriers, nor to the delivery of goods by them, or the receiving or storing of said goods by the parties or their agents to whom said goods are delivered; nor to stages carrying the United States mail or passengers; nor to foundries, sugar-mills, or herders who have a herd of stock actually gathered and under herd; nor to persons traveling, nor to ferry-men or keepers of toll-bridges, keepers of hotels, boarding-houses, and restaurants and their servants; nor to keepers of livery-stables and their servants; nor to any person who conscientiously believes that the seventh or any other day of the week ought to be observed as the Sabbath, and who actually refrains from business and labor on that day, for religious reasons.

Horse-racing, bowling, match-shooting, or any species of gaming for money, or other considerations, within the limits of any city or town, incur a fine of twenty to fifty dollars. Merchants and traders are forbidden to sell or barter goods or

wares under the same penalty; provisions before 9 A. M. are exempt, and drugs and medicines during the whole day.

"Revised Statutes of Texas, 1879," Criminal Code, pp. 26, 27.

Utah Territory.

Prohibits all bull, bear, cock, or prize-fighting; horse-racing, circus shows, open gambling-houses or saloons, barbarous or noisy amusements, theatres, dance-houses, musical or operatic performances, spectacles, or representations where wines or any intoxicating drinks are sold or given away; also selling or purchasing tickets of admission to any such show or entertainment, directly or indirectly; any infringement on these provisions is a "misdemeanor." Opening of any business place for business purposes incurs a fine of from five to one hundred dollars. This provision exempts hotels, boarding-houses, baths, restaurants, taverns, livery-stables, and retail drug-stores, when used for legitimate purposes, and manufacturing establishments, which are usually kept in continual operation. Unnecessary business or labor incur a fine of twenty dollars or less. Time covered, from midnight to midnight.

"Compiled Laws of Utah, 1876," pp. 599, 600.

VERMONT.

Enacts as follows:

A person who, between twelve o'clock Saturday night and sunset on the following Sunday, exercises any business or employment, except such only as works of necessity and charity; or is present at any public assembly, except such as is held for social and religious worship and moral instruction; or travels, except from necessity or charity; or visits from house to house, except from motives of humanity or charity, or for moral or religious edification; or holds or resorts to any ball or dance, or uses or exercises any game, sport, or play; or resorts to any tavern, inn, or house of entertainment for amusement or recreation, shall be fined not more than two dollars.

A person who hunts, shoots, or pursues, takes or kills wild game or other birds or animals, or discharges firearms, except in the just defense of person or property, or in the performance of military or police duty, on Sunday, shall be fined ten dollars, one half to go to the person who makes the complaint and one half to the State.

Service of legal process is void, except in cases of escape, apprehending principal in matters of bail, treason, felony, and breach of peace.

"Revised Laws of Vermont, 1880," pp. 220, 826.

VIRGINIA.

Prohibits all labor and business in person or by proxy—household and other work of necessity

and charity excepted—under penalty of two dollars for each offense. This provision excepts carrying the mails, passengers and their baggage, and those who observe the seventh day, if they do not disturb others.

A Sunday liquor law was enacted in 1874; it was modified in 1880. It forbids all opening of bar-rooms, or other places where liquor is sold, between twelve midnight, of Saturday, and sunrise on Monday, under penalty of ten to five hundred dollars. This does not apply to cities of ten thousand inhabitants or upward, since these have power to regulate the traffic within their borders.

In 1884 a law was enacted forbidding all railroad work, running, loading or unloading cars or trains, except for the relief of wrecked or disabled trains, carrying United States mail, with or without passengers, passenger trains without mails, trains loaded with live-stock, or with perishable articles which would be endangered by delay, and other freight with perishable goods; time, sunrise to sunrise. Trains starting before midnight on Saturday may run until 9 A. M. on Sunday to reach terminus, or shops of the company. Penalty, fifty to one hundred dollars in each county or corporation where trains run.

"Code of Virginia, 1873," p. 1209; "Laws of 1879–'80," p. 220; "Laws of 1883–'84," pp. 743, 744.

Washington Territory.

Prohibits open theatres, race-courses, cock-pits, games of chance for gain, noisy amusements, open billiard or drinking saloons, and the sale of intoxicating liquors as a beverage. Also prohibits all judicial business, except in the case of deliberating juries; civil service may be issued in criminal cases. Attachments and injunctions may be issued and served under the civil code, justices'-practice act, and probate-practice act. General penalty, fine from thirty to two hundred and fifty dollars.

All open places for trade or sale of goods, or any business whatever, are forbidden, except hotels—these may not sell liquor—drug-stores, livery-stables, and undertakers; penalty, twenty-five to one hundred dollars. All public officers are bound to report violations of this act to the nearest justice of the peace, under penalty of twenty-five to one hundred dollars. Law took effect in January, 1882.

"Washington Code, 1881," pp. 227, 351, 352.

West Virginia.

Prohibits all labor or business by one's self or minor children or servants, except household and other works of necessity and works of charity, under penalty of five dollars for each offense; hunting, shooting, or carrying fire-arms openly to

the annoyance of the public is punishable by fine of from five to twenty dollars. Officers of the State or United States, carrying arms lawfully are excepted. Transporting of the mails and of passengers with their baggage is excepted from the foregoing provisions, as are those, also, who conscientiously observe the seventh day by abstaining from labor; but they may not compel those not of their faith to do secular business, nor may they disturb others. No contract is void because made on Sunday. No civil process may be served, except in case of those escaping from custody, or in cases specially provided for by law. Attachments may be issued and executed if defendant is actually removing goods. Matters connected with "inquests" may be attended to as on any other day. Persons holding State license to sell liquors who sell or give away liquors on Sunday are guilty of a misdemeanor, and subject to a fine of from twenty to one hundred dollars. In the matter of adjourning courts, papers coming due, etc., Sunday is treated as other legal holidays.

"Code of West Virginia of 1887," Warth, pp. 237, 298, 726, 902.

Wisconsin.

Prohibits all opening of business places, etc., and all manner of labor or business, except necessity and charity, and all attendance on, or participating

in, any dancing, diversion, show, entertainment, game, or play, under penalty of ten dollars or less. No civil process can be served or executed. Time covered by the law is from midnight to midnight. Those observing the seventh day are exempted from the general provisions if they do not willfully disturb others. Giving away or selling intoxicating liquors incurs a penalty of from five to twenty dollars, or imprisonment in county jail thirty days or less, or both. Court decisions forbid collecting the value of liquor sold on Sunday. Notices published in Sunday papers are legal. Violation of Sunday law forms no defense, in case of injury. The public may use highways in case of necessity, and every man may judge when it is necessary. Contracts made on Sunday can not be enforced.

"Revised Statutes of Wisconsin, 1878," pp. 471, 1083, and supplement thereto from 1879 to 1884, pp. 337, 835, 875.

Wyoming Territory.

Wyoming has little legislation concerning Sunday. In the general acts against lewdness and immorality, the following clause occurs:

If any person shall be guilty of open lewdness, or other notorious act of public indecency, tending to debauch the public morals; or shall keep open any gaming-house on the Sabbath day or night, he shall, on convic-

tion, be fined not exceeding one hundred dollars, or imprisoned in a county jail not exceeding six months.

The city of Cheyenne is empowered by its charter "to close all places of business and amusement on Sunday, and to prohibit and suppress the sale of spirituous liquors on any day of election."

"Compiled Laws of Wyoming, 1876," pp. 181, 270.

GENERAL INDEX.

Alabama, Sunday law of, prohibits ordinary work by self or representative, hunting, gaming, racing, open places of business, buying, selling, bartering—exceptions: necessity, comfort, charity, druggists, railroads, and other common carriers; Sunday contracts void, except in the interest of religion, necessity, or mercy; attachments permitted if debtor is absconding; penalty from $10 to $100, with possible imprisonment, 210–211.

Alfred, King of Wessex, law of, doubles the fine for stealing on Sunday, Yule, Easter, Holy Thursday, or rogation days; prohibits Sunday marketing and work by slaves on "a festival day," 72–73.

Ælfric, Archbishop, law of, prohibits "servile work" on first four days of Easter, and from noon Saturday to sunrise Monday, 74–75; *Institute of:* prohibits worldly work, except necessity, after hearing mass; gives reason why; enjoins church attendance on Saturday evening, 75–76.

America, Sunday legislation in, 160–208.

Anne, Queen, of England, law of, repeals acts of Charles II concerning coaches, etc., on Sunday, 111, 112.

Archery practiced on Sunday, 144.

Arizona has no Sunday law, 212.

Arkansas, Sunday law of, prohibits labor by self or representatives, opening places of business of any kind, games for betting, wager, or amusement, hunting, shooting, etc.—exceptions: necessity, charity, vessels, certain manufacturing establishments, and persons observing the seventh day. Penalty, $1 to $50, 211–212.

Æthelstane, law of, forbade marketing on Sunday, 73.

Auxerre, Council of, forbade yoking oxen, or other work, except for "appointed reasons," 64.

Bal-tien, ancient sun-worship festival, 157 ff.
Bingham, Joseph, identifies Constantine's edict with pagan laws; uses "Lord's day" without warrant, 11.
Binius, history of councils, quoted, 64, 66, 67, 68.
British statutes quoted, 97, 102, 111, 112, 113.

California has no Sunday law since 1883, 212.
Canute, King of Denmark, law of, orders Sunday to be observed from Saturday noon to sunrise Monday, forbids Sunday markets, "folk-motes," hunting, worldly work, ordeals, and court trials on festival days, ember days, certain days of Advent, Easter, St. Edward's day, St. Dunstan's day, etc., 77, 78.
Charles I, of England, law of, forbids all assemblies outside of one's own parish for any "sport" whatever, and certain sports everywhere, under severe fine, and "the stocks" if fine be defaulted; protected those enforcing the law, and left offender still subject to the "Ecclesiastical Court," 100–102.
Charles II, of England, Sunday law of, basis of American laws; ordered execution of existing laws, and the exercise of "duties of piety and true religion," publicly and privately; forbade all "ordinary callings," necessity and charity excepted, by any person over fourteen years, all exposure or sale of goods, all traveling for business, by land or water, except by permission of a competent officer, 108–111.
Charles II, of Scotland, law of 1661, approves all former laws; prohibits salmon-fishing, running salt-pans, mills, kilns, shearing sheep, markets, and merchandising, and "all profanation whatsoever" on Sunday; penalty ten to twenty pounds. Scot: in default of fine, bodily punishment; this law still in force, 148–149; *Law of 1663* prohibits markets on Saturday or Monday, changes legal market-days accordingly; penalty, one hundred marks; excepted "fleshers in royal burghs," 149, 150.
Christianity, a universal religion, 2; seeks only protection from civil government, 2; effect of paganism upon, 3; gave strength to its adherents, 6; recognized in Roman Empire, 6; attitude of Con-

stantine toward, 8, ff; not favorable to Sunday legislation, 18; degenerate state of, under Constantine, 29 ff: corrupted by paganism, 48; spiritual state of, 50 ff; character of, determined by civil law, 53; political favors not peculiar to, 60; struggled with barbarism in middle ages, 61.

Codex, Justin, quoted, 19, 41, 42, 48.

Codex Theod., quoted, 20, 35, 36, 37, 38, 39, 40, 43, 44, 45, 46.

Colorado, Sunday law of, prohibits open saloons and tippling-houses; penalty, $100 or imprisonment six months or less, 212.

Connecticut, Sunday law of, forbids secular business, open shop, warehouse, etc., exposing property for sale, sport, or recreation, concerts, dancing, games of chance, sale of liquor, traveling—exception: necessity, mercy, and persons keeping Saturday; penalty, $1 to $40, or possible imprisonment for thirty days; time, sunrise to sunset, 212, 214. *Amendments of 1887* prohibit railroad trains between 10.30 A. M., and 3 P. M., unloading or handling freight between sunrise and sunset, transporting passengers for less than regular fare on Sunday—exceptions: necessity, mercy, carrying United States mail, and trains authorized by railroad commissions; penalty, $50 to $250, 214, 215.

Connecticut Colony, law of 1650 punished burglary on Sunday, first offense, by loss of one ear; second offense, of both ears; third offense, death, 187; *Law of 1653* forbade vessels leaving harbor on Sunday; punished non-attendance on legal worship on Sunday, fast, and thanksgiving days, 187–188; *Law of 1668* forbids all Sabbath profanation, and compels attendance on public worship, 188–189; *Law of 1676* forbade all work and diversion, public drinking, profane desecration, rude or irreverent behavior; penalty at discretion of judges, 189–190; *Law of 1684* enforced catechizing, family prayer, and general observance of Sunday, by selectmen, constables, and grand-jury men, 190; *Law of 1721* punished non-attendance on lawful worship, "going forth from one's place of abode except for worship or necessity," occupying meeting-house without consent, disturbing public worship on Sunday, by fine or imprisonment, without appeal, 191–192; *Law of 1726*, empowered local officers to punish profanity, drunkenness, and Sabbath-breaking, without trial, 193; *Law of 1733* includes former enactments, prohibits gathering in the streets,

"loitering or drinking," "posting or publishing notices," appoints two tithing-men for each parish, and adds whipping for non-payment of fine, 193–194; *Law of 1761* gives additional power to arrest travelers, etc., 195; *Law of 1770* removes penalty for illegal worship from "sober and conscientious dissenters," 195.

Constantine the Great: attitude toward Christianity, 6; adopted Christianity as a superstition, 9; always Pontifex Maximus, 10; a worshiper of Apollo the "Unconquered Sun," 10; first Sunday law of, pagan, 11 ff.; believed the sign of the cross magical, 10; law concerning aurispices, 19; text of first Sunday law, 19; influence of sun-worship on, 27; criminality of, 28; sought no advice from Christians concerning Sunday law, 32; modifies first Sunday law, 34.

Cromwell, Oliver, first Sunday law of, forbids all selling of goods, all traveling, all games, 116; condemned on slight proof, 117; punished by forfeiture, fine, and corporally, 118; suppressed "book of sports," 118; permitted household works of necessity, 119; compelled attendance at church, 119; Sunday laws to be read in public, 119. *Second Sunday law of*, included days of humiliation, thanksgiving, etc., 120; civil officers ordered to enforce, 120; all traveling (by land) and civil service forbidden, 121; traveling and business by water, visiting taverns, tobacco-houses, etc., forbidden, 122; officers empowered to search for offenders, fines collected by distrains, 123; ordered setting in stocks or cage in default of fine, 124; officers commanded to enforce law, law to be publicly read, 125; officers protected in executing, 126. *Third Sunday law of*, theological basis of, 127; provisions repeated against traveling, visiting ale-houses, tobacco and victualing houses, singing, playing musical instruments, etc., 128; all mercantile transactions, and specified games forbidden, 129; necessary work in families excepted, 130; provisions against business by water, enlarged, 130–131; assumption of civil office forbidden, 131; markets and fairs forbidden, 132: fairs and markets on Saturday and Monday forbidden, 133; officers punished for non-enforcement, 134; right of search granted, 134, 135; offenses of minor children punished, attendance on public worship compelled, disturbing public worship forbidden, 136; publications against Sunday observance forbidden, and com-

modities offered for sale, forfeited, 138; "general issue plea" granted, 140.

Cuthbert, canons of, orders Sunday to be wholly given to divine service, and "mass" in all churches and monasteries; forbids business, secular meetings, and journeyings, except for *great* necessity; orders religious instruction on Sunday, couples Sunday with the "great festivals," 71–72.

Dakota, Sunday law of, prohibits labor, public sports, trades, traffic, and legal processes—exceptions: necessity, mercy, milk, meats, and fish before 9 A. M., food on premises, legal process in breach of peace; justices may issue process on complaint, and take bail; druggists, and persons keeping Saturday, on whom civil process may not be served on that day, time midnight to midnight, penalty $1, 215–216.

D'Alton, on early religion of Ireland, 156.

Delaware, Sunday law of, prohibits all worldly labor, all business, all traveling, exposure of goods for sale, fishing, horse-racing, cock-fighting, hunting, gaming, dancing, or liquor-selling; permits works of necessity and mercy, penalty $4, with brief imprisonment if fine be defaulted, 216.

Directory, The, for public worship under Cromwell, forbids all worldly business, words, and thoughts, on Sunday; orders such diet that all may attend church, private devotions, presence at public worship at its opening, catechising, singing of hymns, holy conference, and works of mercy between services; was the source of customs in New England, 140–142.

Dyer, Thos., says early Christianity was combined "pagan idolatry and Christian truth"; that Alexander Severus reckoned Abraham, Orpheus, Apollonius, and Christ as equals, 30.

Edgar, law of, orders sacred time from Saturday noon till Monday sunrise; all "mass days," all fasts, and every Friday "to be kept with every earnestness," and all church dues to be paid, 74. *Canon of*, prohibits "devil's games and heathen songs on feast days, trading and folk-motes on Sunday, 74.

Edward the Confessor, law of, orders large number of saints' days to be observed, with Sunday—see law, 79–80.

Edward I, of England, law of, forbade markets and fairs in churchyards, 89.

Edward III, of England, law of, prohibits showing wool on "Sunday and all solemn feasts of the year," 82.

Edward IV, of England, law of, forbade cobblers and cordwainers to sell or fit shoes, etc., to customers on Sunday, in certain parts of London, 91–92.

Edward VI, of England, law of, contains long prelude, places observance of days on Church authority, couples many other days with Sunday, empowers ecclesiastical officers to punish offenders at discretion, protects fast days, permits labor on all days in harvests, or at any time under necessity, excepts feasts of the Knights of the Garter, 93–97.

Edward VI, of England, Injunction of, orders all subjects to "celebrate and keep their holy day" in hearing and reading the Bible, private and public prayers and confessions, settling quarrels, errands of mercy, etc.; permits labor on all days in harvest, and urges thereto, 92–93.

Eidelbald, King of Mercians, law of, (see Cuthbert, canons of, 71–72).

Elizabeth, pursued middle course in Reformation, placed Sunday on level with other Church days, did not enforce abstinence from labor on Sunday, permitted Sunday games, etc., 98. *Injunction of*, enjoins subjects to "celebrate and keep their holy day" in hearing and reading the Bible, public and private prayers and confessions, harmonizing disputes, and receiving the communion; orders parsons and curates to teach that people may freely work in harvest "after common prayer," forbids attending church outside one's own parish, and appoints special officers to compel attendance, 99–100.

Encyclopædia Britannica on Heliogabalus, shows that he was greatly devoted to the Syrian sun-god, and was shamelessly profligate, 22.

English Sunday laws, 81–142.

Erfurt, Council of, increased *dies non* by more than fifty, 68.

Ethelread law of, forbade marketings and folk-motes on Sunday, 766.

Fairbairn, A. M., on Roman Christianity, Latin mind modeled Church after Roman state, gave Pope such divine honors as emperors had received, 16.

Florida, Sunday law of, prohibits all business, trade, labor with animals or mechanical power. all disposing of goods and illegal employment of apprentices or servants, use of fire-arms for hunting or target-shooting, and fishing for shad—exceptions: necessity, mercy, accidents, emergencies, ordinary comforts of life; penalty, $20 to $50, 216–217.

Gale, Theophilus, on policy of Constantine; he brought men into the Church by compulsion and splendid ceremonies; Church-members did not part with heathen faith and rites; this depraved the Church and admitted anti-Christ. 16, 17.

Georgia, Sunday law of, prohibits open tippling-houses, freight-trains, all business and labor, and bathing in sight of highway leading to house of worship—exceptions: necessity, mercy, trains carrying live-stock; penalty, any sum under $1,000, imprisonment six months or less, hard labor in chain-gang twelve months or less, 217, 218.

George III, England, law of, forbids baking on Sunday in London and vicinity, with liberal exceptions, 113.

George IV, England, repealed law of George III, and forbade baking in London between 9 A. M. and 1 P. M., with exceptions, 113.

Gibbon, Edward, describes sun-worship *under Heliogabalus:* its grand processions, magnificent temples, costly offerings, lascivious ceremonies, and marriage of sun-god to Astarte. 21, 22. *Under Aurelian:* his gorgeous "triumph," ostentatious piety, and munificent gifts to the sun-god, 23, 24. *Under Constantine:* he persisted in pagan practices; was governed by policy; his coins ornamented with figures of sun-god; claimed to hold invisible converse with him, 27. *On number of Christians under Constantine the Great:* no positive information; at most, not more than one twentieth of the inhabitants, 31.

Giesler, J. C. L., says the Manichæans celebrated Sunday only by fasting, 26.

Henry IV, England, law of, forbade unlawful games on Sunday and other festivals, 90.

Henry VI, England, law of, forbade fairs and markets on Ascension Day, Corpus Christi, Whitsunday, Trinity Sunday, and other

Sundays, feast of the Assumption, All Saints, and Good Friday, under penalty of confiscation of goods; made several liberal exceptions, 90, 91.

History: is an organic development from original germs, 1.

Holland, Sunday law of, forbids business or trade, public labor, exposure for sale in market or public place of all merchandise, "except small eating wares"; prohibits open drinking-places and public games during hours of public service, theatres, concerts, and the like, also disturbing noises during public worship; law applies to Sunday and "other religious feast-days generally celebrated"—exceptions: necessity and special provisions made by local government; penalty, twenty-five gilders or less—in default, imprisonment three days or less; second offense, penalty double and goods exposed confiscated, inns and public places closed for one month; laws to be read from pulpit and publicly posted; proper authorities ordered to "maintain the strict observance, without any connivance or dissimulation," 153–155.

Idaho Territory, Sunday law of, prohibits opening any place of business between 10 A. M. and 3 P. M.; nearly all civil processes permitted in emergency, 218.

Illinois, Sunday law of, prohibits open tippling-houses, disturbing peace and good order by amusement or labor—exceptions: necessity, charity, railroads, water-men, ferry-men, persons moving, and those keeping Saturday; contracts on Sunday are valid; writs and injunctions permitted under urgent necessity; time, midnight to midnight; penalty, $200 or less, 218, 219.

Indiana, Sunday law of, prohibits persons over fourteen years of age from rioting, hunting, fishing, quarreling, or common labor—exceptions: charity, necessity, traveling, families emigrating, toll-taking, and ferry-men; penalty, $1 to $10; attachments may be served if debtor is absconding, execution when loss of judgment is feared, any civil process when its object would otherwise be defeated; acknowledgment of legal papers is valid; liquor-selling forbidden; penalty, $10 to $50 and imprisonment ten to sixty days, 219 to 220.

Ine, King of Wessex, law of, fined owner for working slave on Sunday, punished slave if he worked without order of master; a

freeman forfeited his freedom by working on Sunday, priests suffered double punishment, 71.

Iowa, Sunday law of, forbids rioting, fighting, hunting, shooting, carrying fire-arms, fishing, horse-racing, dancing, disturbing public assemblies or private families, buying, selling, and labor—exceptions: necessity, charity, persons observing the seventh day, emigrants, toll-takers, and ferry-men; penalty, $1 to $5 and costs, with imprisonment till paid, 220.

Ireland, pagan, sun-worship in, 155 ff.; Sunday festival in, 157.

Irish kings distributed ale on Sunday, 158.

Islip, Archbishop of Canterbury, Constitution of, opens with theological argument, bewails profligacy of people on religious festivals, forbids "such works as are profitable to the commonwealth" from "vespers on Saturday," also on a host of saints' days—see law; ordered attendance at church on all these days; laborers forbidden to rest on any days not designated by law, etc., 85, 88.

James I, England, book of sports of, condemns Papists and Puritans; claims Sunday as belonging to common people for amusement; permits all "recreations" which do not injure the state; orders Puritans and precisians to conform, or leave; enjoins dancing, etc., after morning service; prohibits bear-baiting, and forbids recreations to those who will not first attend church; orders attendance within one's own parish; forbids carrying of offensive weapons at games, 103–108.

James I, Scotland, law of, orders training in archery of all males over twelve years of age on holy days; penalty, a sheep, 144.

James III, Scotland, law of, orders annual changing of tenants, etc., deferred till after Whitsunday and Martinmas; forbids fairs on holy days, 144.

James IV, Scotland, law of, forbids markets and fairs on holy days, in churches or church-yard on any day; penalty, forfeiture of goods, 144–145.

James VI, Scotland, law of 1579, bewails holding of fairs and markets on "Sabbath-days," also gaming, frequenting taverns, and remaining from church; forbids markets and fairs on Sunday, in churches or church-yards on all days, labor on Sunday, frequenting ale-houses, selling of meat and drink, and absence from

church—penalty for labor, ten shillings; for gaming, frequenting taverns, selling meat and drinks, absence from church, twenty shillings: in default of fine, "the stocks or other engine for public punishment" twenty-four hours, 145–146. *Law of 1592* repeats prohibition of markets, etc., and establishes other market-days than Sunday, 146–147. *Law of 1593* ratifies former laws, empowers presbytery to nominate officers to execute laws, punishes neglect to execute, 147. *Second law of 1593* changes market-day from Sunday to Friday in the Burgh Forfare, 147–148. *Law of 1594* repeats former laws, forfeits all goods, gear, and merchandise exposed for sale on Sunday; punishes offenders "at the will of his Majesty with advice of his secret counsel," 148.

Johnson, John, Saxon laws quoted from, 72, 74.

Kansas, Sunday law of, prohibits all labor in person or by proxy, horse-racing, gaming, exposure of goods or liquors for sale, hunting and shooting—exceptions: necessity, charity, drugs, medicines, provisions, other articles for immediate use, and persons keeping Saturday who are free from civil service on that day; penalty, $50 or less, 221.

Kentucky, Sunday law of, forbids business, "ordinary" labor by self or others, hunting, and all gaming—exceptions: necessity, charity, household duties, and persons keeping Saturday; penalty, $1 to $50, and forfeiture of license by keepers of billiard-tables who permit gaming, 221–222.

Labbe, history Church councils, quoted, 64, 66, 67, 68.

Leckey, on divinity of Roman emperors: Caligula claimed his divinity as a fact; called Jupiter to account for a thunder-storm, etc. *Heliogabalus* sought to unite all religions in worship of himself; slaves avoided punishment by holding images of the emperor; a capital offense to commit sacrilege in presence of emperor's statue, 7, 8.

Lord's day appears first in legislation 386 A. D., 36.

Louisiana, Sunday law of, forbids licensed business places and plantation stores to open or conduct business; time, midnight to midnight—exceptions: nearly everything except indiscriminate

sale of liquor; (see text) penalty, $25 to $250 or imprisonment ten to thirty days, 222–224.

Macon, Second Council of, forbids litigation, or yoking of cattle even under necessity, on Sunday; commands to be occupied in praise, or to attend church for prayers and repentance: offenders threatened with wrath of God and anger of clergy, an advocate loses his cause, a countryman or slave incurs whipping, and a clerk or monk suspension for six months, as penalty of disobedience, 65–66.

Maine, Sunday law of, prohibits open places of business, travel, labor, sporting, gaming, and all public shows, hunting or destroying of birds or other game; time, midnight to midnight—exceptions: persons observing Saturday, and works of necessity and charity; penalty, $10 or less, and loss of license by inn-keepers; civil process illegal, attempt to serve punishable; contracts void, date alone not sufficient evidence; contract being voided, consideration must be restored; tithing-men or others may prosecute within six months, 224–225.

Maryland, Sunday law of, prohibits all labor, fishing, fowling, hunting, recreations, "catching oysters," open barber-shops and all places of public diversion—exceptions: necessity, charity, apothecaries putting up *bona-fide* prescriptions; penalty, $5 to $500, with double penalty for repeated offense, also loss of license and imprisonment ten to sixty days, 225, 226.

Massachusetts Bay Colony, "*Common law of 1629*, forbade labor after three o'clock on Saturday; ordered catechising, etc., 167. *Law of 1664* recognized death penalty for "striking of a father" and for Sabbath-breaking, 168. *Colonial law of 1646* compelled attendance on public worship on Sunday and "thanksgiving" days, 169. *Law of 1653* stringently forbade persons above seven years of age from walking or playing in the streets during daylight on Sunday; penalty, fine and whipping, 169, 170. *Law of 1653* ordered posting Sunday law on meeting-house door, 171. *Law of 1654* empowered the officers of the congregation and the selectmen to appoint special police to preserve order at church, 171. *Law of 1658* increased restriction against walking, etc., after sunset on Saturday night, 172. *Law of 1665* added corpo-

ral punishment to penalty, 173. *Law of 1667* ordered public reading of Sunday law twice a year; appointed tithing-men to apprehend Sabbath-breakers; added "caging" to penalty; empowered officers to "make diligent search" or "break down doors" to arrest Quakers in unlawful meeting, and to punish unnecessary absence from legal worship, 175–176. *Law of 1668* increased penalty for Sabbath-breaking, and made attendance on unlawful meetings to be "Sabbath-breaking," 174. *Law of 1673* made hotel-keepers *participes criminis*, 176. *Law of 1677* made tithing-men excise officers, with enlarged powers, 177. *Law of 1679* (Boston and other towns) ordered guard at sunset Saturday night, and forbade any to pass out of town without permit; also reading of Sunday law by town-clerk instead of ministers, 177–178. *Colony reorganized 1691*, 178. *Law of 1695* embodied previous laws, prohibited labor, sporting, traveling, further restricted "public houses," gave large power to local magistrates, collected fines by distraints and under default, set in stocks or cage for three hours; operative from sunset to sunset; enjoined officers to enforce the law, 178–179. *Law of 1716* increased penalties for working, playing, and traveling, with "double" for second offense, and "sureties" for future obedience; with special fine for absence from public service one month, 179–180. *Law of 1727* increased all penalties, and added imprisonment in county jail five days or less; also made special provisions against the "great profanation" of Sunday by funerals, and granted "power of search" in case of "drinking-places," 180. *Law of 1741* increased penalty for "slothfully loitering in streets or fields," but allowed appeal, 180. *Law of 1760* repealed existing laws because they were not executed, gave theological reasons in *preamble*, and prohibited working, playing, traveling, entertaining any but "travelers, strangers, and lodgers" in public-houses, loitering, walking, or gathering in companies in streets, fields, or on wharves, absence from public service for one month, and all unlicensed funerals, except in Boston, after sunset; time, from sunset on Saturday; twelve wardens with excessive powers were appointed in each town to execute this law; Sunday patrol established in Boston; penalty: fines, loss of license; surety for good behavior, with imprisonment in common jail five to ten days in default of

fine; law to be read at town meeting in March each year, 180–182. *Law of 1761* supplemented that of 1760 by imposing fine of *five pounds* for giving false answers or refusing to aid wardens, 183.

Massachusetts, Sunday law of, prohibits travel, labor, business, opening of business places, sporting, gaming, use of fire-arms for hunting or amusement, fishing, and all liquor-selling—exceptions: necessity, charity; prohibition of travel no defense in case of "tort or injury"; keepers of public-houses liable for offenders on their premises; civil process forbidden; prisoners may be bailed; railroad commissioners may authorize "through trains," if deemed necessary; penalty, $1 to $100, loss of license, or possible imprisonment under six months, 226–228. *Amendments of 1887* practically annulled the foregoing law (see text), 228, 229.

Mayence, Council of, forbade servile work, and judicial trials except for capital crimes, on Sunday, 66.

Michigan, Sunday law of, prohibits open place of business, attendance on public entertainments, games, etc., serving of civil process, interrupting religious worship, and selling liquor—exceptions: necessity, charity, mercy, and persons observing Saturday: penalty, $10 or less; place of public entertainment liable for those entertained; time, midnight to midnight; courts may open to discharge a jury, receive a verdict, or attend to criminal cases demanding immediate action; game and fish wardens may make arrests on Sunday, 229–230.

Milman, H. H., says laws of *Constantine* were ambiguous; Sunday edict made no reference to the day as Christian; sun-worshipers would naturally obey the law; no direct evidence that it was anything more than pagan, 12 f. *Diocletian* was devotee of the sun-worship; appealed to sun-god for exculpation from murder; consulted Apollo before persecuting Christians, 24. *On Manichæans:* their worship was simple; prayed to the sun; claimed that Christ dwelt therein, 25. *Justinian code* shows the Church under control of the emperors, whose laws were deemed divine; they ruled monasteries and decided ordination of bishops; strove to check gross immorality in the clergy, gaming, drunkenness, and the like in vain; bishops were imperial officers in temporal affairs; law prescribed the number of clergy in each church; the

code almost exclusively Roman ; Christianity made little change in it, etc., 56–59.

Minnesota, Sunday law of, prohibits labor, shooting, hunting, fishing, all public gaming, shows, and disturbing public peace ; all business, selling, serving of legal process—exceptions : necessity, charity, articles of food before 10 A. M., meals served by caterers, tobacco, fruit, confectionery, medicine, drugs, etc., civil process in case of breach of peace, and when specially authorized by statute ; penalty, $10 or less, or imprisonment five days or less, or both, 230, 231.

Mississippi, Sunday law of, prohibits all labor, business open places of business, public shows, gaming, hunting, and fishing—exceptions : necessity, charity, household duties, railroads, steamboats, attachments, injunctions, and all "remedial processes," according to judgment of judicial officer ; penalty, $5 to $20, and $50 to $100 for selling liquor, 231–232.

Missouri, Sunday law of, prohibits labor by self or another, hunting, shooting, horse-racing, card-playing, etc., exposure of goods for sale, or selling liquors—exceptions : necessity, charity, observers of Saturday, ferry-men, and "sale of drugs, medicines, provisions, or other articles of immediate necessity" ; penalty, $50 or less, 232–233.

Montana, Sunday law of, prohibits open theatres, dance-houses, prize-rings, racing, and "banking games of cards" ; penalty, $1 to $100 or imprisonment one to thirty days, or both, 233.

Neale, Edward V., says judicial and non-judicial days not the product of Christian thought ; they were common before Augustus ; their number made a shield for criminals ; abstinence from labor on days devoted to religion also a Roman idea ; shows what was permitted and prohibited, 13, 14. *On Elizabeth's policy*, it was moderate ; Sundays and holidays placed by her on same ground, 98.

Neander : Manichæans did not observe Sunday in commemoration of Christ, they fasted on that day, 26.

Nebraska, Sunday law of, prohibits opening of civil courts, selling liquor, sporting, rioting, quarreling, hunting, fishing, shooting—exceptions : discharging jury, receiving verdict, duties of a single

magistrate in civil proceedings; persons observing Saturday, emigrants, watermen, toll-takers, and railways; penalty, $1 to $100, 234–235.

Nevada, Sunday law of, prohibits open theatres, race-courses, games of chance, noisy amusements, and judicial business—exceptions: jury having case in charge, civil service demanding immediate attention; penalty, $30 to $200, 235.

New England, colonial government of a theocracy, 160; *Sunday laws enforced in:* John Barnes, punished in 1636; Stephen Hopkins in 1637; Web Adey in 1639; John Shaw and Stephen Bryant in 1649; Edward Hunt in 1650; Elizabeth Eddy, Arthur Howland, Nathanial Bassett, Joseph Pryor, Abraham Pierce, Henry Clark, and Thurston Clark in 1651–'52; Peter Gaunt, Ralph Allen, Sr., George Allen, and William Chase in 1655 (*circa*); Lieutenant Wyatt in 1658; Sarah Kirby (publicly whipped) and Ralph Jones in 1658, 206–208.

New Hampshire, Sunday law of, prohibits work, secular business, and labor "to the disturbance of others"; playing, gaming, keeping open place of business, or exposing merchandise for sale —exceptions: necessity, charity, bakers, druggists, milk, and other necessaries of life; penalty, $10 or thirty days' imprisonment; time, midnight to midnight, 235, 236.

New Haven Colony, "common law" of, Jewish, 184; *Law of 1647* forbade all Sabbath-breaking from sunset to sunset; punishment at judgment of court, 185; *Law of 1656* required attendance on legal worship on Sunday, "fast," and "thankgiving" days, 185; "*presumptive*" *Sabbath-breaking punishable with death*, 186.

New Jersey, Sunday law of, prohibits all travel, worldly business, shooting, hunting, fishing, and public diversions; travelers may be stopped by any citizen and detained until Monday; all public or private transportation by vehicles liquor-selling, gambling, and other common nuisances, hunting with any weapons, with or without dogs, trapping or snaring game—exceptions: charity, one passenger train each way on railroads, freighting of milk, running of ferry-boats, civil service in breach of peace, disorderly persons and cases of bastardy, persons observing Saturday may labor upon their own premises, are free from labor on highways, and military duties; penalty, in general, $10; in default of fine,

imprisonment under ten days, with extra penalties for selling liquor, keeping "disorderly house," etc. (see "Statutes," which are very elaborate), 236, 238.

New Mexico, Sunday law of, prohibits public gaming, racing, dancing, disturbing assemblies, buying or selling, public meetings, except religious, open places of business, displaying merchandise, sale of liquors, etc.—exceptions: necessity, mercy, travelers, ferry-boats, livery-stables, hotels, restaurants, barbers, butchers, bakers, apothecaries, irrigating of fields, persons removing, serving civil process under liability of loss or inconvenience; time, sunrise to midnight; penalty, $10 to $50 first offense; $25 to $100 subsequent offense, or imprisonment five to twenty days, 238, 239.

New York, colony of, law of 1647, forbade Sabbath-breaking, brawling, drunkenness, liquor-selling, except to travelers, "before two o'clock on Sunday when there is no preaching, and after 9 P. M.,' 200; *Law of 1695* forbade travel, labor, shooting, fishing, sporting, playing, horse-racing, frequenting of tippling-houses, etc.; general fine, six shillings, punishment "on sight" by justice of the peace; three hours in "the stocks" in default of fine; travel under twenty miles permitted if in attending public worship or going for physician or nurse, 199-201.

New York State, Sunday law of, prohibits serving of civil process, sporting, hunting, fishing, horse-racing, tippling-houses, travel, servile labor, sale of goods, fruit, herbs, etc., and liquors—exceptions: necessity, charity, traveling for public worship, visiting the sick, carrying United States mails, executing orders of public officers, removing of family, persons keeping Saturday—who are also free from jury duty, ordinary military service, and submitting to service of civil process on that day—sale of meats, milk, or fish before 9 A. M., the sale of liquors to lodgers, and persons "legally traveling"; general penalty, $1; for liquor-selling, $2.50, prosecutions to be made within twenty days, 239, 240; general law much weakened by amendments to penal code in 1883, 242 (see statute); special defense for those who observe Saturday enacted in 1885, 242.

New York city, special provisions for: Law of 1860 prohibits specified public exhibitions; *Law of 1872* forbids "processions" on

Sunday, except funeral and those from churches and religious services; *Law of 1882* forbids theatrical and operatic shows on Sunday, makes property-holders liable, and forbids noisy parades and processions, 240–242. (Consult "Statutes.")

Nicholas I, instructions to Burgundians taught that journeying, fighting, etc., were lawful on all days; "Our hopes do not rest on days;" classes Sunday, saints' days, etc., together, 67.

Northumbrian priests, law of, forbade traffic, folk-motes, and all forms of traveling on Sunday, 77.

North Carolina, Sunday law of, forbids ordinary work, business, hunting, fishing, fowling, and public sports by persons over fourteen years of age, running railroad trains, handling freight, and fishing with nets, and all sale of intoxicating liquors—exceptions: necessity, charity, medical prescriptions, trains *in transitu* up to 9 A. M., and trains carrying perishable freight, also "established seines" in Carteret and Onslow Counties, 242–243.

Odo, Archbishop of Canterbury, Canon of, declares fasting and alms to be a means of salvation; ordered Wednesday, Friday, all days of Lent, Sunday, and saints' days to be carefully observed, 73.

Ohio, Sunday law of, prohibits sporting, rioting, quarreling, hunting, fishing, shooting, common labor, and sale of liquors—exceptions: persons observing Saturday, emigrants, watermen, toll-takers and ordinary arrests; penalty $20 or less, or imprisonment twenty days or less, 244.

Oregon, Sunday law of, prohibits open places for business or amusement, tippling-houses, saloons, and ordinary service of civil process—exceptions: druggists, physicians, undertakers, liverymen, butchers, bakers ("necessity and mercy may be offered in defense"), and jury having case in charge; penalty $5 to $50, 244, 245.

Orleans, Third Council of, condemned overstrict observance of Sunday as Jewish; better to abstain from rural work; offenders punished by ecclesiastical authority, 64.

Patrick, St., condemns sun-worship, 156.

Peckham, John, Archbishop of Canterbury, taught that the Sabbath is not binding; Church has full power to determine what days

should be observed; observance to be according to "canonical law," and not "Jewish," 81, 82.

Pennsylvania, Colony of, law of 1700-'01, under Evans and Penn, prohibited servile work and tippling in drinking-houses—excepted: preparing food in public houses, selling by butchers and fishermen during June, July, and August, milk before 9 A. M., and landing passengers by watermen all day; taverns allowed to sell liquors in moderation to regular inmates and travelers; service of civil process forbidden. *Law of 1786*, prohibited working and sporting under penalty of *thirty shillings:* it excepted boatmen, watermen, stage-coaches—when permitted by civil officers on extraordinary occasions—preparing food, delivering milk and other necessaries of life before 9 A. M. and after 5 P. M. *Law of 1794* essentially like the above, 202, 203.

Pennsylvania, Sunday law of, prohibits civil process, all worldly labor and business, gaming, shooting, hunting or diversion, drinking in tippling-houses, all sale of liquors, fishing and trapping, canals and railroads not compelled to attend their works to expedite travel—exceptions: necessity, charity, preparing food, emigrants *in transitu*, delivering milk and other necessaries of life before 9 A. M. and after 5 P. M.; keepers of public houses liable for offenders on their premises; penalty $4 to $50, placing in stocks, or binding to good behavior; "forcible entry for a better view of offenders permitted," 245, 246.

Plymouth Colony, law of 1650 prohibited servile work and 'such like abuse" on Sunday; penalty, ten shillings or whipping, 161; *Law of 1651* commanded attendance on lawful worship; penalty, ten shillings, profaning Sunday by sloth or laziness; penalty, ten shillings or whipping, 161, 162. *Law of 1658* prohibited traveling, bearing burdens, etc.; penalty, immediate arrest, twenty shillings, or four hours in "the stocks," 162. *Law of 1661* prohibited "frequent" absence from lawful public worship; penalty, ten shillings each offense, 163. *Law of 1662* prohibited "ordinary keepers" from serving wine or liquor on Sunday, except "for the relief of those that are sick or faint"; penalty, ten shillings, 163; also forbade hunting or work by Indians. This was repeated in 1666, 167. *Law of 1665* prohibited sleeping, jesting, etc., "without doors at the meeting-house" on Sunday; penalty,

being admonished, or set in "the stocks" by constable. *In 1669*, constables and their deputies were further instructed to warn "such as sleep or play about the meeting-house," and report them to the court if they do not reform; the same provision was to be executed against "unnecessary violent riding" on Sunday; the same law forbade "smoking of tobacco within two miles of the meeting-house" on Sunday, under penalty of twelve pence, 165–166. *Law of 1668* ordered the selectmen to note profane and slothful neglect of public worship, and report offenders to the court, 166. *Law of 1670* empowered officers to search for those absent from church, and return their names to the court, 166, 167. *Law of 1682*, prohibited traveling, except under permission from proper officers, granted only on great necessity, transgressors to be apprehended by any person; also prohibited servile work, labors or sports on legal fasts and days of thanksgiving, 163, 164. Plymouth colony united with Massachusetts in 1691, 167.

Popery established in Scotland, 1560, 143.

Presbyterianism established in Scotland, 1690, 143.

Prisoners to be humanely treated, and conducted to bath under guard on Sundays, bishops to superintend this, 43.

Puritans, Sunday laws of, in England, 115–142.

Renan, Ernest, on religion of Romans, it was purely civil, the state was the Romans' god; was aristocratic; priesthood not based on religious considerations; dealt with actions, not motives; worshiper must do no more for the gods than law required; Christianity, at first, was modified Judaism, 3–5.

Rheims, Council of, forbade servile work, law courts, and mercantile transactions on Sunday, 66, 67.

Rhode Island Colony, law of 1673 announced religious liberty, forbade general labor, or evil-doing, drinking, gaming, etc., on Sunday, appointed special Sunday police, 195–197. *Law of 1679*, forbade using servants, sporting, gaming, and drinking under penalty of fine or stocks, 197, 198.

Rhode Island, Sunday law of, prohibits ordinary labor and business, all games, sports, and recreations, employment of other persons, etc.—exceptions: necessity, charity, Jews, and Seventh-day Bap-

tists—with certain restrictions concerning noisy work—except in Hopkinton and Westerly ; penalty, five dollars, 246–247.

Rome, regarded religion as a department of the state, 3 ; religion of, aristocratic, regulated by civil law, 4 ; favored religious syncretism, provided for all religions, 5 f. ; regulated Christianity by law, 6 ; emperors of, deified, 7 f. ; forbade work on pagan festivals, 11, 14 ; forbade civil transactions on pagan festivals, 14, 15.

Saints' days, associated with Sunday in England, 95.

Saturday, Jews not to be molested on, nor to molest Christians on ; observed as late as 409, A. D., 41, 42.

Saxon Sunday Laws, 70–80.

Schaff, *Philip*, shows Constantine as first representative of a "Christian theocracy" ; of a hurtful union between Christianity and politics ; his religious views neither deep nor broad ; he adopted Christianity as a superstitution ; enjoined soothsaying in same year he issued Sunday edict ; always *Pontifex Maximus ;* renounced heathenism on his death-bed, 8. *Heliogabalus*, a depraved priest of the sun-god, for whom he was named, 20. *Constantine* falsely described by Eusebius ; vices increased with his power ; guilty of gross and inexcusable crimes, treachery, murder, etc. ; not morally transformed by Christianity ; guilty of duplicity up to the last, 28 ; shows worship of saints to be the product of paganism ; that Christians worshipped the sun-god before entering St. Peter's church ; that martyr-worship, many forms of observing Christmas, and the Continental Sunday, are the product of heathenism, 29, 30. *Constantine's Sunday law*, a pagan document, 32. *Christianity much corrupted*, when Roman Empire fell ; Church filled with pagans, and secularized by union with the state, 51–53. *Middle age*, one of darkness and blind faith ; Church controlled all life ; Church hierarchy supreme, 61–63.

Scobell, acts of Cromwell, quoted 120, 126, 140, 142.

Scotland, Kirk of, 150 ff.

Scotland, *Sunday Laws of*, 143–153.

Soissons, *Second Council of*, instituted many *non-judicial* days, 67.

South Carolina, *Sunday law of*, prohibits worldly business, labor, offering anything for sale, public sports and pastimes, use of gaming-tables, running, loading, or unloading railroad trains—ex-

ceptions: necessity, charity, persons under fifteen years, mail and construction trains, other trains under extraordinary emergencies, civil process for felony, treason, or breach of peace; penalty, $1 to $500, owners of gaming-tables liable for offenders on premises, 247–248.

Stephens, John Archibald, quoted on English Laws, 82.

Stille, C. J., shows Constantine as a leader at Council of Nice, as the author of state-church idea, first to punish heretics by civil law; Christian hierarchy developed in fourth century; gained immense power under Ambrose, 54–56.

Tarragon, Council of, forbade clergy to try civil cases on Sunday, and ordered them to attend to religious services, 64.

Tennessee, Sunday law of, prohibits common avocations, hunting, fishing, gaming, and being drunk—exceptions: necessity, charity, and "public service" in time of peace; private contracts are valid outside of one's regular business; general penalty, $3, 248.

Texas, Sunday law of, prohibits labor by self or representative, horse-racing, match-shooting, all gaming for money, all selling of goods and wares—exceptions: nearly everything in the line of labor, persons keeping Saturday, provisions before 9 A. M., and drugs and medicines throughout the day; general penalty, $10 to $50, 249.

Thorpe, Benjamin, Saxon laws quoted, 71, 72, 73, 74, 75, 76, 77, 78, 79.

Thorsby, John, Archbishop of York, forbade markets in churches, church porches, cemeteries, and other "holy places," on Sundays and festivals, also rude games at such times and places, 89.

Triburary, Council of, forbade holding of courts on Sunday, saints' days, Lent, and other festivals, 68.

Uhlhorn, Gerhard, says Constantine was little favorable to Christianity in 312 A. D.; as a monotheist he worshipped the sun-god, 11.

United States, Sunday laws in, not generally observed, disregard of, weakens obligation, 209.

Utah Territory, Sunday law of, prohibits bull, bear, cock, and prize fighting, horse-racing, circus shows, open gambling-houses, saloons, theatres, and public spectacles where intoxicating drinks are sold or given away, all shows for which fee is charged, and opening of business houses—exceptions: hotels, boarding-houses,

baths, restaurants, livery-stables, drug-stores, manufacturing establishments in continual operation ; penalty, $5 to $100 ; time, midnight to midnight, 250.

Vermont, Sunday law of, forbids all business or employment, presence at public assemblies not religious, traveling, visiting, public dancing, gaming-houses, etc., also hunting or discharging fire-arms—exceptions : necessity, charity, humane works, military and police duty ; penalty, $2 to $10 ; civil process void, except in emergency, 251.

Virginia, colony, laws of 1617–1623, ordered attendance on church ; penalty, two pounds of tobacco ; absence for a month, fifty pounds of tobacco, 203–204. *In 1629 and 1642* ordinary employment, traveling, loading of boats, shooting of game, etc., forbidden ; penalty, twenty to one hundred pounds of tobacco, 204–205. By *law of 1786* ministers are exempted from arrest while performing public duties ; disturbing public meetings punished by fine ; all labor forbidden, 205. *Law of 1801* forbade trading with slaves, and *of 1819* excessive drinking, 205–206.

Virginia, Sunday law of, prohibits all labor and business, opening places where liquor is sold, running, loading, or unloading rail-road trains—exceptions : charity, necessity, mail trains, live-stock, and perishable-fruit trains, and persons keeping Saturday. Liquor law not applicable to cities of 10,000 inhabitants ; penalty, $2 to $100, 251–252.

Wales, ancient, Sunday in, 159. Monday, *dies non*, 159.

Washington Territory, Sunday law of, prohibits theatres, race-courses, cock-pits, games of chance, noisy amusements, liquor-shops, judicial and general business—exceptions : civil service in criminal cases, attachments and injunctions under civil code, justice-practice and probate-practice acts, hotels, drug-stores, livery-stables, undertakers ; penalty, $25 to $100, 253.

West Virginia, Sunday law of, prohibits all labor, business, hunting, shooting, gaming, etc.—exceptions : household works, necessity, charity, official carrying of arms, mail and passenger trains, persons observing Saturday, civil contracts, service of civil process in emergency, inquests, etc. ; giving away liquors on Sunday constitutes a special misdemeanor ; penalty, $5 to $100, 253–254.

Wilkins's "Concilia," etc., quoted, 89, 93, 99, 100, 108,

William III, Sunday law for Ireland, forbade general work, boisterous games and traveling; restricted sale of liquor, and enlarged the power of officers to execute; was a puritanic law, with many "exceptions," 111.

Wisconsin, Sunday law of, prohibits all labor and business, dancing, diversion, shows, or entertainments; giving or selling liquor, value of liquor sold on Sunday not recoverable—exceptions: necessity, charity, persons observing Saturday; legalizes notices published in Sunday papers; grants the use of highways to the public; violation of Sunday law no defense in case of injury; penalty, $10, or less, to $20, or imprisonment for thirty days or less, or both, 254–255.

Wyoming Territory, Sunday law of, prohibits notorious public indecency and public gaming; penalty, $100 or less or imprisonment, six months or less, 255–256.

THE END.

HISTORY OF ENGLAND, from the Accession of James II. By Lord T. B. MACAULAY. With Steel Portrait. 5 vols., 12mo. Cloth, per set, $5.00; sheep, $7.50; half calf, $15.00.

"Undoubtedly the most brilliant and the most popular history ever written in the English language. It shows vast research, extraordinary power in the portraiture of individual character, and a literary skill that is unrivaled."—*Dr. C. K. Adams's Manual of Historical Literature.*

DIGEST OF ANCIENT AND MODERN HISTORY. By THOMAS DEW. 8vo. Cloth, $2.20.

"So nearly what its title indicates that any considerable description is unnecessary. In method, however, it is somewhat unusual. Each paragraph begins with a question, which it is the purpose of the paragraph to answer."—*Dr. C. K. Adams's Manual of Historical Literature.*

MANUAL OF ANCIENT AND MODERN HISTORY. By W. C. TAYLOR, LL. D., M. R. A. S. Revised by C. S. HENRY, D. D. 8vo. Cloth, $3.50; or, in separate volumes, $2.00 each.

ANCIENT HISTORY.—Containing the Political History, Geographical Position, and Social State of the Principal Nations of Antiquity, carefully digested from the Ancient Writers, and illustrated by the Discoveries of Modern Scholars and Travelers.

MODERN HISTORY.—Containing the Rise and Progress of the Principal European Nations, their Political History, and the Changes in their Social Condition; with a History of the Colonies founded by Europeans.

Dryness is generally characteristic of condensed historical outlines; in the present case it is avoided by the vigorous style of the author, and the introduction of interesting anecdotes and episodes that serve to relieve the mind, and bring out in clear light the peculiarities of individual or national character.

The American edition has been revised throughout by Dr. Henry, and enlarged by the introduction of an admirable chapter on American history.

HISTORY OF THE JEWS FROM 420 B. C. E. TO THE YEAR 70 C. E. By MORRIS J. RAPHALL. 2 vols. 12mo. Cloth, $4.00.

HISTORY OF THE MIDDLE AGES. By A. L. KŒPPEN. 2 vols. 12mo. Cloth, $3.00.

This truly excellent work supplies, in a very satisfactory manner, a want long felt by every student of history. It is concise in style, comprehensive in matter, lucid in arrangement, and full of ripe scholarship and research.

"The author's purpose was to present an accurate description of the world during the different periods from the ultimate division of the Roman Empire, down to the conquest of Constantinople in the East, and the discovery of America in the West. He has made ample use of the best geographical authorities, and has brought together a vast amount of minute information on subjects that are often very obscure."—*Dr. C. K. Adams's Manual of Historical Literature.*

HISTORY OF CIVILIZATION IN ENGLAND. By HENRY THOMAS BUCKLE. 2 vols. 8vo. Cloth, $4.00; half calf, extra, $8.00.

"Whoever misses reading this book will miss reading what is, in various respects, to the best of our judgment and experience, the most remarkable book of the day—one, indeed, that no thoughtful, inquiring mind would miss reading for a good deal. Let the reader be as adverse as he may be to the writer's philosophy, let him be as devoted to the obstructive as Mr. Buckle is to the progress party, let him be as orthodox in church creed as the other is heterodox, as dogmatic as the author is skeptical—let him, in short, find his prejudices shocked at every turn of the argument, and all his prepossessions whistled down the wind—still, there is so much in this extraordinary volume to stimulate reflection and excite to inquiry, and provoke to earnest investigation, perhaps (to this or that reader) on a track hitherto untrodden, and across the virgin soil of untilled fields, fresh woods and pastures new, that we may fairly defy the most hostile spirit, the most mistrustful and least sympathetic, to read it through without being glad of having done so, or having begun it, or even glanced at almost any one of its pages, to pass it away unread."—*New Monthly Magazine* (London).

THE ENGLISH CONSTITUTION, AND OTHER POLITICAL ESSAYS. By WALTER BAGEHOT. Latest revised edition. Containing Essays on the Characters of Lord Brougham and Sir Robert Peel, Bart., never before published in this country. With an American Preface. 12mo. Cloth, $2.00.

"A work that deserves to be widely and familiarly known. Its title, however, is so little suggestive of its real character, and is so certain to repel and mislead American readers, that some prefatory words may be useful for the correction of erroneous impressions. It is well known that the term 'Constitution,' in its political sense, has very different significations in England and in this country. With us it means a written instrument. The English have no such written document. By the national Constitution they mean their actual social and political order—the whole body of laws, usages, and precedents, which have been inherited from former generations, and by which the practice of government is regulated. A work upon the English Constitution, therefore, brings us naturally to the direct consideration of the structure and practical working of English political institutions and social life. Mr. Bagehot is not so much a partisan or an advocate as a cool philosophical inquirer, with large knowledge, clear insight, independent opinions, and great freedom from the bias of what he terms 'that territorial sectarianism called patriotism.' Taking up in succession the Cabinet, the Monarchy, the House of Lords, the House of Commons, he considers them in what may be called their dynamical inter-actions, and in relation to the habits, traditions, culture, and character of the English people. We doubt if there is any other volume so useful for our countrymen to peruse before visiting England."—*From the American Preface.*

HISTORY OF EUROPEAN MORALS FROM AUGUSTUS TO CHARLEMAGNE. By WILLIAM E. H. LECKY. 2 vols. 12mo. Cloth, $3.00; half calf, extra, $7.00.

"So vast is the field Mr. Lecky introduces us to, so varied and extensive the information he has collected in it, fetching it from far beyond the limits of his professed subject, that it is impossible in any moderate space to do more than indicate the line he follows. . . . The work is a valuable contribution to our higher English literature, as well as an admirable guide for those who may care to go in person to the distant fountains from which Mr. Lecky has drawn for them so freely."—*London Times.*

New York: D. APPLETON & CO., 1, 3, & 5 Bond Street.

A HISTORY OF ENGLAND IN THE EIGHTEENTH CENTURY. By WILLIAM E. H. LECKY, author of "History of the Rise and Influence of the Spirit of Rationalism in Europe," etc. Vols. I to VI. Large 12mo. Cloth, $2.25 each; half calf, $4.50 each.

"On every ground which should render a history of eighteenth-century England precious to thinking men, Mr. Lecky's work may be commended. The materials accumulated in these volumes attest an industry more strenuous and comprehensive than that exhibited by Froude or by Macaulay. But it is his supreme merit that he leaves on the reader's mind a conviction that he not only possesses the acuteness which can discern the truth, but the unflinching purpose of truth-telling."—*New York Sun.*

"Lecky has not chosen to deal with events in chronological order, nor does he present the details of personal, party, or military affairs. The work is rather an attempt 'to disengage from the great mass of facts those which relate to the permanent forces of the nation, or which indicate some of the more enduring features of national life.' The author's manner has led him to treat of the power of monarchy, aristocracy, and democracy; of the history of political ideas; of manners and of beliefs, as well as of the increasing power of Parliament and of the press."—*Dr. C. K. Adams's Manual of Historical Literature.*

HISTORY OF THE RISE AND INFLUENCE OF THE SPIRIT OF RATIONALISM IN EUROPE. By WILLIAM E. H. LECKY. 2 vols. Small 8vo. Cloth, $4.00; half calf, extra, $8.00.

"The author defines his purpose as an attempt to trace that spirit which 'leads men on all occasions to subordinate dogmatic theology to the dictates of reason and of conscience, and, as a necessary consequence, to restrict its influence upon life'—which predisposes men, in history, to attribute all kinds of phenomena to natural rather than miraculous causes; in theology, to esteem succeeding systems the expressions of the wants and aspirations of that religious sentiment which is planted in all men; and, in ethics, to regard as duties only those which conscience reveals to be such."—*Dr. C. K. Adams's Manual of Historical Literature.*

THE LEADERS OF PUBLIC OPINION IN IRELAND: SWIFT, FLOOD, GRATTAN, O'CONNELL. By WILLIAM E. H. LECKY. 12mo. Cloth, $1.75.

"A writer of Lecky's mind, with his rich imagination, his fine ability to appreciate imagination in others, and his disposition to be himself an orator upon the written page, could hardly have found a period in British history more harmonious with his literary style than that which witnessed the rise, the ripening, and the fall of the four men whose impress upon the development of the national spirit of Ireland was not limited by the local questions whose discussion constituted their fame."—*New York Evening Post.*

HISTORY OF HENRY THE FIFTH: KING OF ENGLAND, LORD OF IRELAND, AND HEIR OF FRANCE. By GEORGE M. TOWLE. 8vo. Cloth, $2.50.

RISE AND PROGRESS OF THE ENGLISH CONSTITUTION. By Sir Edward S. Creasy. 12mo. Cloth, $1.50.

A very interesting subject, treated with great learning and skill. It should take its place in all libraries as a most useful commentary on English history. As an account of the gradual development of free institutions in England, it connects itself with our own history, especially with the progress of opinion in the early part of our Revolutionary struggle.

"As a manual for the use of the historical student while he is laying the foundation for a knowledge of the English Constitution, this little book is without a superior. It combines accuracy with vivacity, and should be constantly used by the student in the early period of his studies."—*Dr. C. K. Adams's Manual of Historical Literature.*

A CHILD'S HISTORY OF ENGLAND. By Charles Dickens. New Household Edition. With Illustrations. Square 8vo. Paper, 75 cents; cloth, $1.25.

THE ENGLISH REFORMATION: HOW IT CAME ABOUT, AND WHY WE SHOULD UPHOLD IT. By Cunningham Geikie, D. D., author of "The Life and Words of Christ." 12mo. Cloth, $2.00.

"Dr. Geikie's work sustains the reputation which his 'Life and Words' had given him as a clear historical writer. It is impossible to comprehend the conflicts for spiritual liberty of the present without tracing them back to their origin in the past; and there is no single volume which will better enable us to do this than Dr. Geikie's 'History of the English Reformation.'"—*New York Christian Union.*

"His grouping of facts is often masterly, his style is bold and incisive, and his sketches of eventful periods or eminent personages are vivid and graphic."—*Harper's New Monthly Magazine.*

ANECDOTAL HISTORY OF THE BRITISH PARLIAMENT. From the Earliest Periods to the Present Time, with Notices of Eminent Parliamentary Men and Examples of their Oratory. Compiled by G. H. Jennings. Crown 8vo. Cloth, $2.50.

"As pleasant a companion for the leisure hours of a studious and thoughtful man as anything in book-shape since Selden."—*London Telegraph.*

"It would be sheer affectation to deny the fascination exercised by the 'Anecdotal History of Parliament.'"—*Saturday Review.*

YOUNG IRELAND: A FRAGMENT OF IRISH HISTORY, 1840 TO 1850. By the Hon. Sir Charles Gavan Duffy, K. C. M. G. 8vo. Cloth, $3.00; cheap edition, $1.50.

"Ably written, by one who has since had large and successful experience in the British colonies in the South Pacific."—*Dr. C. K. Adams's Manual of Historical Literature.*

New York: D. APPLETON & CO., 1, 3, & 5 Bond Street.

FINANCIAL HISTORY OF THE UNITED STATES, FROM 1774 TO 1789, EMBRACING THE PERIOD OF THE AMERICAN REVOLUTION. New edition, thoroughly revised. By ALBERT S. BOLLES, Professor in the Wharton School of Finance, University of Pennsylvania; Editor of "The Banker's Magazine." 8vo. Cloth, $2.50.

FINANCIAL HISTORY OF THE UNITED STATES. COMPRISING THE PERIOD FROM 1789 TO 1860. By ALBERT S. BOLLES. 8vo. Cloth, $3.50.

FINANCIAL HISTORY OF THE UNITED STATES, FROM 1861 TO 1885. By ALBERT S. BOLLES. 8vo. Cloth, $3.50.

WORKS OF J. C. CALHOUN. Vol. I. On Government. Vol. II. Reports and Letters. Vols. III and IV. Speeches. Vols. V and VI. Reports and Letters. 6 vols. 8vo. Cloth, $15.00; sheep, $18.00.

Mr. Calhoun's life and speeches form a substantive part of American history for near half a century. He was always in public life, and stamped the impress of his genius on every great public measure, either as debater or minister.

THIRTY YEARS' VIEW; OR, A HISTORY OF THE WORKING OF THE AMERICAN GOVERNMENT FOR THIRTY YEARS, FROM 1820 TO 1850. By THOMAS H. BENTON. New edition, revised, with Copious Index. Two very large volumes, 8vo. Cloth, $6.00; sheep, $8.00.

MILITARY HISTORY OF ULYSSES S. GRANT, FROM APRIL, 1861, TO APRIL, 1865. By General ADAM BADEAU, Aide-de-Camp to the General-in-Chief. Popular edition. In 3 volumes. 8vo. Cloth, $6.00.

"General Badeau has had exceptional advantages in the preparation of this valuable work. Before the war he was a journalist of known skill and acquirements. While in the war, a member of General Grant's staff, he was military secretary, and accompanied the commander of the army from the close of the Vicksburg campaign till the surrender of Lee. He has had access to the records of the War Department, both Confederate and Federal, and it is known that the sheets of his work were read in proof by General Grant, General Sherman, General Sheridan, and other officers. This military history, therefore, comes to us with every assurance of accuracy, and it may be accepted as Grant's own presentation of the claims upon which his military renown will rest. . . . *A work which will long be accepted as a classic history of the greatest war of modern times.*"—*New York Herald.*

THE SAME. With a Steel Portrait and 33 Maps. Complete in 3 vols. 8vo. Cloth, $12.00; sheep, $15.00; half turkey, $20.00. Sold by subscription only.

New York: D. APPLETON & CO., 1, 3, & 5 Bond Street.

THE WAR BETWEEN THE UNITED STATES AND MEXICO. By GEORGE WILKINS KENDALL. Illustrated. Embracing eleven folio pictorial drawings (in colors) of the principal conflicts, by CARL NEBEL. With a description of each battle. Folio. Half morocco, $40.00.

RISE AND FALL OF THE CONFEDERATE GOVERNMENT. By JEFFERSON DAVIS. Complete in 2 vols. 8vo. Illustrated with Portraits of Mr. Davis, his Cabinet, Aides, and Generals, and with Maps and Plans. Price, per volume, in cloth, $5.00; sheep, $6.00; half turkey, $7.00. Sold by subscription only.

"Every impartial reader must recognize the ability with which it is composed, the sincerity with which his opinions are held, and the good faith with which they are set forth, and the value which it possesses as the authentic commentary on the most momentous episode in the history of the United States since their independence was acknowledged and their Constitution was framed." —*London Athenæum.*

INCIDENTS AND ANECDOTES OF THE CIVIL WAR. By Admiral DAVID D. PORTER. One vol. 8vo. Cloth, $2.00.

Admiral Porter's anecdotical reminiscences of the war are written in a graphic and animated style. They are always dramatic, often amusing, and give many unfamiliar inside views of events in that trying period. The contents relate to Events at Pensacola, the Attack on New Orleans, Ericsson and the Monitor, Ascending the Mississippi, the Siege of Vicksburg, General Grant at Vicksburg, Admiral Farragut, the Yazoo Pass Expedition, General Sherman, the Red River Expedition, Naval Battle at Grand Gulf, General Butler in New Orleans, Visit of President Lincoln to Richmond, and various other events of the war.

Some of the admiral's experiences were certainly remarkable, and all are told with great gusto and spirit. Nothing more stirring and readable has been produced in the literature of the war.

NARRATIVE OF MILITARY OPERATIONS DIRECTED, DURING THE LATE WAR BETWEEN THE STATES, BY JOSEPH E. JOHNSTON, GENERAL C. S. A. Illustrated with Steel Plates and Maps. 8vo. Cloth, $5 00; sheep, $6.00; half morocco, $7.50.

PRESIDENTIAL COUNTS. A Complete Official Record of the Proceedings of Congress at the Counting of the Electoral Votes in all the Elections of President and Vice-President of the United States. 8vo. Cloth, $3.50.

New York: D. APPLETON & CO., 1, 3, & 5 Bond Street.

HISTORY OF THE AMERICAN NAVY DURING THE GREAT REBELLION. By CHARLES B. BOYNTON, D. D., Chaplain of the United States House of Representatives, and Assistant Professor at the United States Naval Academy. Illustrated with ten full-page Woodcuts, Portraits on Steel of Distinguished Officers, and numerous Vignettes from Sketches made by Commander S. B. WOOLSEY, United States Navy, with numerous Maps and Charts from Government Surveys and Official Plans furnished for this work exclusively. 2 vols. 8vo. Half morocco, $10.00.

The whole material for this work has been drawn from documents in possession of the Navy Department, so that its narrative rests upon the highest possible authority. Dr. Boynton had free access to the navy-yards and ships, and to the Ordnance Department, while his connection with the Naval Academy and his residence in Washington gave him facilities for collecting materials for his history that left little or nothing to desire.

ANECDOTES OF THE CIVIL WAR. By Major-General E. D. TOWNSEND. With Illustrations. 12mo. Cloth, $1.25.

HISTORY OF NEW YORK DURING THE REVOLUTIONARY WAR, AND OF THE LEADING EVENTS IN THE OTHER COLONIES AT THAT PERIOD. By THOMAS JONES, Justice of the Supreme Court of the Province. Edited by EDWARD FLOYD DE LANCY. With Notes, Contemporary Documents, Maps, and Portraits. In 2 vols. 8vo. Cloth, gilt top, $15.00.

"Certainly no one historical work has been issued in the United States during the last twenty years of equal importance with this, unless it be the 'Colonial History' and 'Documentary History of the Colonies,' published by order and at the expense of the State. The publication of this history, so long and jealously withheld from the public, offers the unlooked-for chance of seeing the men of the Revolution through the eyes of a vigilant enemy, who knew them more or less exactly, not only as to their characters, but their private lives and family antecedents. It will cause more than one descendant of ancient and honorable families of New York to wince, and to wince all the more because they are in a poor plight to refute the statements of Judge Jones. It may be confidently said that there is no history of the Revolution extant which will not demand remodeling in consequence of the publication of this. Whether we like the book or not, the world is better for this able presentment of the other side of the question of our Revolution."—*New York Times.*

THE ROCKY MOUNTAIN SAINTS. A Full and Complete History of the Mormons, from the First Vision of Joseph Smith to the Last Courtship of Brigham Young. By T. B. H. STENHOUSE. Illustrated with Steel and Wood Engravings. 8vo. Cloth, $5.00; sheep, $6.00; half morocco, $7.50.

New York: D. APPLETON & CO., 1, 3, & 5 Bond Street.

THE PROSTRATE STATE. By JAMES S. PIKE. 12mo. Cloth, $1.00.

AN INGLORIOUS COLUMBUS: OR, EVIDENCE THAT HWUI SHAN AND A PARTY OF BUDDHIST MONKS FROM AFGHANISTAN DISCOVERED AMERICA IN THE FIFTH CENTURY. By EDWARD P. VINING. With Illustrations. 8vo. 788 pages. Cloth, $5.00.

"An Inglorious Columbus" is an attempt to show that America was discovered in the fifth century by a party of Buddhist monks from Afghanistan. There is unquestionable proof they actually visited some unknown Eastern region, and Mr. Vining marshals evidence to show that the traditions of Mexico contain an account of the arrival there of this party of monks.

HISTORY OF FRANCE. By JULES MICHELET. 2 vols. 8vo. Cloth, $4.00; half calf, $9.00.

The graphic and dramatic pen of the historian Michelet makes the countries, races of men, and the times of which he treats pass vividly before us as we read his animated pages. In him there is nothing diffuse or irrelevant.

"Michelet had the substantial qualifications of patient industry and vast erudition, but he had much more. He was endowed with a subtle and powerful imagination, and with an extraordinary gift in the art of historical delineation. These varied qualifications made him one of the most graphic and spirited of all modern historians. There is perhaps no more brilliant historical writing in any language than some of the writing of Michelet."—*Dr. C. K. Adams's Manual of Historical Literature.*

HISTORY OF FRANCE, FROM THE EARLIEST TIMES TO 1848. By Rev. JAMES WHITE. Large 8vo. Cloth, $3.00.

"The author's merit was in his ability to seize upon the salient points of a topic, and present them in such a manner as to interest the general reader. This is the book to be chosen for those who 'need to be tempted' to the study of French history."—*Dr. C. K. Adams's Manual of Historical Literature.*

THE FRENCH REVOLUTIONARY EPOCH. Being a History of France from the Beginning of the First French Revolution to the End of the Second Empire. By HENRI VAN LAUN, author of "History of French Literature," etc. In 2 vols. 12mo. Cloth, $3.50.

"As a history for readers who are not disposed to make an exhaustive study of the subject treated, the book impresses us as eminently good."—*New York Evening Post.*

"This work throws a flood of light on the problems which are now perplexing the politicians and statesmen of Europe."—*New York Daily Graphic.*

"This is a work for which there is no substitute at present in the English language. For American readers it may be said to have secured a temporary monopoly of a most interesting topic. Educated persons can scarcely afford to neglect it."—*New York Sun.*

THE EIGHTEENTH CENTURY. THE MANNERS, CUSTOMS, AND COSTUMES OF THE EIGHTEENTH CENTURY, IN FRANCE, 1700–1789. By PAUL LACROIX. Illustrated with 21 Chromo-lithographs and 350 Engravings on Wood. Imperial 8vo. Cloth, gilt top, $12.00; half morocco or half calf, $15.00; French morocco, $18.00; Levant morocco, extra, $25.00.

This sumptuous volume is a brilliant exhibition of every grade of life and society in France, from 1700 to 1789. The illustrations are copied with the utmost care from the original paintings of the best artists of the eighteenth century, and in beauty of design, exquisite finish, and the real interest of their subjects, far surpass any similar productions.

HISTORY OF CIVILIZATION. By FRANÇOIS P. G. GUIZOT. 2 vols. 12mo. Cloth, $4.00; half calf, $8.00.

M. Guizot, in his instructive lectures, has given us an epitome of modern history, distinguished by all the merit which, in another department, renders Blackstone a subject of such peculiar and unbounded praise—a work closely condensed, including nothing useless; omitting nothing essential; written with grace, and conceived and arranged with consummate ability.

"The most famous of Guizot's works. The lectures made a profound impression at the time of their appearance—indeed, formed an epoch in the history of education; and even at the present day perhaps no other historical book is capable of stirring more earnest and fruitful thought in a thoughtful student."—*Dr. C. K. Adams's Manual of Historical Literature.*

THE STORY OF THE COUP D'ETAT. By M. DE MAUPAS, Prefect of Police. Translated with Notes by A. D. VANDAM. 12mo. Cloth, $1.75.

"The author of the work was one of the leading actors, or rather managing directors, in the *coup d'état* which, in December, 1852, placed Louis Napoleon on the throne of France. In order that he might more effectually assist in that desperate stroke, he was, at his own request, appointed to the prefecture of police. To him, therefore, fell the task of arranging for the arrest of such of the Deputies as were likely to give trouble, and he relates with something like pride how perfectly he succeeded in accomplishing his purpose."

THE RUSSIAN ARMY, AND ITS CAMPAIGNS IN TURKEY IN 1877–'78. By F. V. GREENE, First Lieutenant in the Corps of Engineers, United States Army, and lately Military Attaché to the United States Legation at St. Petersburg. With Atlas containing 26 Plates of Maps, Plans, etc., printed mostly in colors. 8vo. Cloth, $6.00.

"To the general reader this work can not fail to be of interest; but to the military student it will be simply invaluable. The book is one which should be in every regimental library."—*The London Times.*

BIOGRAPHY.

THE HUNDRED GREATEST MEN. PORTRAITS OF THE ONE HUNDRED GREATEST MEN OF HISTORY. Reproduced from Fine and Rare Steel Engravings, with Biographies. 8vo. Cloth, $6.00.

A General Introduction to the Work was written by RALPH WALDO EMERSON; Introduction to Section I by MATTHEW ARNOLD; Section II by H. TAINE; Section III by MAX MÜLLER and R. RENAN; Section IV by NOAH PORTER; Section V by A. P. STANLEY; Section VI by H. HELMHOLTZ; Section VII by J. A. FROUDE; Section VIII by Professor JOHN FISKE.

HOURS WITH GREEK AND LATIN AUTHORS. From Various English Translations. With Biographical Notices. By G. H. JENNINGS and W. S. JOHNSTONE. 12mo. Cloth, $2.00.

LIFE OF HIS ROYAL HIGHNESS THE PRINCE CONSORT. By Sir THEODORE MARTIN. With Portraits and Views. Complete in 5 vols. 12mo. Cloth, $10.00.

"The literature of England is richer by a book which will be read with profit by succeeding generations of her sons and daughters."—*Blackwood.*

BEACONSFIELD. A SKETCH OF THE LITERARY AND POLITICAL CAREER OF BENJAMIN DISRAELI (Earl of Beaconsfield). With Two Portraits. By GEORGE M. TOWLE. 18mo. Paper, 25 cents; cloth, 60 cents.

LIFE OF CHARLOTTE BRONTE. By E. C. GASKELL. With Engravings. Two volumes in one. 12mo. Cloth, $1.50.

Charlotte Brontë was one of the most extraordinary female characters of modern times. From perfect obscurity, and notwithstanding a most unpropitious training, she sprang at one bound to the height of popularity, founded an entirely new school of novel-writing, and, after a life of severe trial and suffering, died when she was just beginning to be happy.

LIFE AND WRITINGS OF THOMAS HENRY BUCKLE. By ALFRED HENRY HUTH. 12mo. Cloth, $2.00.

"The book deals with Mr. Buckle less as a philosopher than as a man. . . . Mr. Huth has done his part well and thoroughly."—*Saturday Review.*

THOMAS CARLYLE: HIS LIFE—HIS BOOKS—HIS THEORIES. By ALFRED H. GUERNSEY. 18mo. Paper, 30 cents; Cloth, 60 cents.

New York: D. APPLETON & CO., 1, 3, & 5 Bond Street.

BIOGRAPHY.

ERASMUS DARWIN. By ERNST KRAUS. Translated from the German by W. S. DALLAS. With a Preliminary Notice by CHARLES DARWIN. With Portraits and Woodcuts. 12mo. Cloth, $1.25.

CHARLES DARWIN. By GRANT ALLEN. (English Worthies Series.) 16mo. Cloth, 75 cents.

LIFE OF CHARLES DICKENS. By JOHN FORSTER. The concluding volume of Chapman & Hall's Household Edition of the Works of Charles Dickens. With 40 Illustrations. Square 8vo. Paper, $1.25; cloth, $1.75.

SHORT LIFE OF CHARLES DICKENS. With Selections from his Letters. By CHARLES H. JONES. 18mo. Paper, 35 cents; cloth, 60 cents.

FARADAY AS A DISCOVERER. A Memoir. By Professor JOHN TYNDALL. 12mo. Cloth, $1.00.

"It has been thought desirable to give you and the world some image of Michael Faraday as a scientific investigator and discoverer. . . . I have returned from my task with such results as I could gather, and also with the wish that these results were more worthy than they are of the greatness of my theme."—*The Author.*

SHORT LIFE OF GLADSTONE. By C. H. JONES. 18mo. Paper, 35 cents; cloth, 60 cents.

"In two hundred and fifty pages, the author has succeeded in giving a clear impression of Gladstone's career, and, what is better still, of his personality. Extracts from his speeches and estimates of his literary work are given, and an excellent feature of the book is its short but significant citations from the press, which help the reader to see the great statesman through the eyes of his contemporaries, both friend and foe."—*Boston Courier.*

A JOURNAL OF THE REIGNS OF KING GEORGE IV AND KING WILLIAM IV. By the late CHARLES C. F. GREVILLE, Esq., Clerk of the Council to those Sovereigns. Edited by HENRY REEVE, Registrar of the Privy Council. 2 vols. 12mo. Cloth, $4.00.

"Since the publication of Horace Walpole's Letters, no book of greater historical interest has seen the light than the Greville Memoirs. It throws a curious, and, we may almost say, a terrible light on the conduct and character of the public men in England under the reigns of George IV and William IV. Its descriptions of those kings and their kinsfolk are never likely to be forgotten."—*New York Times.*

ORIGINS OF THE ENGLISH PEOPLE AND OF THE ENGLISH LANGUAGE. COMPILED FROM THE BEST AND LATEST AUTHORITIES. By JEAN ROEMER, LL. D., Professor of the French Language and Literature and Vice-President of the College of the City of New York. With Chart and Lithographic Fac-similes of Anglo-Saxon and Early French Writings. 1 vol., 8vo, pages xxiii + 658, cloth. Price, $3.50.

This work is essentially an introduction to the study of early English literature. Founded on the latest works of specialists, who have explored the many branches of the subject, it traces the sources of Modern English among the various races of men—Celts, Romans, Saxons, Danes, and Normans—who, at various epochs, have found their way into the British Isles; and, by inquiring into the origin and national characteristics of these races, their customs, wants, and forms of religion, their social and political differences, their relative progress in the arts of civilized life, it enables the student to draw his own conclusions as to the various influences tending to a corresponding fusion of their various idioms and dialects, resulting in the formation of that great and wonderful language which, from a mere jargon, as it was at first, has grown into the national speech of England.

THE INTERNATIONAL EDUCATION SERIES. Edited by W. T. HARRIS, LL. D.

THE PHILOSOPHY OF EDUCATION. By JOHANN KARL FRIEDRICH ROSENKRANZ. 12mo, cloth. Price, $1.50.

A HISTORY OF EDUCATION. By Professor F. V. N. PAINTER, of Roanoke College, Virginia. 12mo, cloth. Price, $1.50.

THE RISE AND EARLY CONSTITUTION OF UNIVERSITIES. With a Survey of Mediæval Education. By S. S. LAURIE, LL. D. 12mo, cloth. Price, $1.50.

THE VENTILATION AND WARMING OF SCHOOL BUILDINGS. By GILBERT B. MORRISON. 12mo, cloth. Price, 75 cents.

ELEMENTARY PSYCHOLOGY AND EDUCATION. By Dr. J. BALDWIN. 12mo, cloth. Price, $1.50.

THE EDUCATION OF MAN. By FRIEDRICH FROEBEL. Translated from the German and Annotated by W. N. HAILMANN, A. M., Superintendent of Public Schools at La Porte, Indiana. 12mo, cloth. Price, $1.50.

(*Other volumes to follow.*)

THE COLLEGE AND THE CHURCH: THE "HOW I WAS EDUCATED" PAPERS, AND THE DENOMINATIONAL "CONFESSIONS," from "The Forum Magazine." Crown 8vo, cloth, gilt top. Price, $1.50.

The two series of articles, "How I was Educated" and "Confessions," attracted great attention as they appeared in "The Forum," and are now published in one volume in obedience to numerous requests. The "Confessions" are printed anonymously, but the "How I was Educated" papers are signed, the authors being some of the most distinguished of American scholars.

New York: D. APPLETON & CO., 1, 3, & 5 Bond Street.

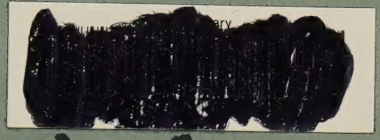
WITHDRAWN

DATE DUE

AUG 3 1 199[illegible]

GAYLORD PRINTED IN U.S.A.

GTU Library
2400 Ridge Road
Berkeley, CA 94709
For renewals call (510) 649-2500

WITHDRAWN

All items are subject to recall.